Also, resolution of the National Board of Trade, urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade, urging the early completion of the system of contract improvements, by locks and dams, upon the Ohio River—to the Committee on Rivers and Harbors.

Also, resolution of the National Board of Trade, commending the banking and currency bill—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, urging the consolidation of several Government bureaus relating to forestry and the preservation of forests—to the Committee on the Public Lands.

Also, joint memorial of the maritime, commercial, and trade organizations of Philadelphia, Pa., urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

By Mr. BRENNER: Petitions of L. G. Gould, of Eaton, and F. N. Plessinger, of Germantown, Ohio, against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Petition and papers to accompany House bill No. 6094, granting a pension to Mary A. Ellis—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of T. M. Yett, Rudolph Ebeling, R. L. Lacey, and other ranchmen and stock raisers in the State of Texas, favoring Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. FREER: Papers and evidence in support of House bill granting a pension to Olie Heaton—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Petition of C. J. Lavery, publisher of the Fairplay, of Fort Pierre, S. Dak., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of the American-German League of Western Pennsylvania, Max Kurniker, secretary, Pittsburg, Pa., urging that the Government of the United States use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African republics—to the Committee on Foreign Affairs.

Also, resolutions of the Erie County Pharmaceutical Association, of Buffalo, N. Y., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of the Boston Associated Board of Trade, in favor of the establishment of the department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Medical certificate to accompany House bill No. 3784, granting an increase of pension to Lindsay C. Jones—to the Committee on Invalid Pensions.

By Mr. JOY: Petition of A. H. Foote and 10 other members of the St. Louis Credit Men's Association, favoring amendment of bankruptcy law and opposing repeal—to the Committee on the Judiciary.

Also, papers to accompany House bill granting a pension to Caroline Brune—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of Robert Welsh and other citizens of Coleman Station, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Petition of T. A. Day and others, of Kaseyville, Mo., for the relief of Jane Baker—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of W. P. Morrison, of Sterling, Kans., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Gem Drug Company and others, of Medicine Lodge; Bixby & Lindsay, of McPherson; H. O. Harris and 51 others, of Mount Hope; J. A. Foster and Charles Roberts, of Marquette, Kans., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the graduate nurses in the State of Massachusetts, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. STARK: Paper to accompany House bill No. 3960, granting a pension to John Fisher, of Wilber, Nebr.—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: Petition and affidavits in support of House bill for increase of pension to Michael G. Lawrence, of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March 8, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

RELATIONS WITH THE PHILIPPINES.

Mr. RAWLINS. Mr. President, I desire to give notice that on Monday next, after the routine morning business, I will submit some remarks, if convenient to the Senate, on our relations with the Philippines.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 282) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887;

A bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.; and

A joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of Agriculture on the work and expenditures of the agricultural experiment stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1899, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 8, 1900.*

VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. HANNA and Mr. TILLMAN members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Machinists' Protective Association of Buffalo, N. Y., praying for the enactment of legislation relative to the employment of enlisted men in competition with civilian machinists; which was referred to the Committee on Military Affairs.

He also presented a petition of 53 citizens of New York City, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Riverside Republican Club, of New York City, praying for the enactment of legislation in relation to our trade with China; which was referred to the Committee on Commerce.

He also presented petitions of Local Lodge No. 245, International Association of Machinists, of Buffalo; of Columbus Lodge, No. 401, International Association of Machinists, of Brooklyn, and of Local Lodge No. 421, International Association of Machinists, of Elmira, all in the State of New York, praying for the enactment of legislation to increase the salaries of machinists in the United States Government Printing Office, at Washington, D. C.; which were referred to the Committee on Printing.

He also presented memorials of the Health Culture, of New York City; the New York Education, of Albany; the Homeopathic Eye, Ear, and Throat Journal, of New York City; the Citizen, of Allegany; the Hobart Herald, and the Daily News, the Free Press, and the Regulator, of Cohoes, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented memorials of the Republican, of Lamar; the Democrat, of Dearborn; the Democrat, of Monroe City; the Democrat, of Lamar; the School and Home, of St. Louis; the Chief, of Cowgill; the National Land News, of Green Ridge; the Enterprise, of Liberal; the Commercial Lawyer, of St. Louis,

and the Reflector, of Holt, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of sundry citizens of Elbow Lake, Minn., remonstrating against the enactment of legislation to prevent the use of trades checks; which was referred to the Committee on the Judiciary.

He also presented memorials of the Cigar and Tobacco Journal, the Gazette, the Commercial Bulletin, and Northwest Trade, of Minneapolis, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented memorials of sundry citizens of West Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCBRIDE presented a petition of 80 citizens of Lane County, Oreg., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors and the sale and importation of opium in Hawaii; which was ordered to lie on the table.

Mr. SPOONER presented a petition of the Builders and Traders' Exchange of Milwaukee, Wis., and a petition of the Wisconsin Retail Lumber Dealers' Association, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Cheese Makers' Association, praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine and all other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Trades and Labor Assembly of Superior, Wis., remonstrating against the enactment of legislation to abolish the use of eighth stamps upon beer barrels; which was referred to the Committee on Finance.

He also presented memorials of Aut Novak, of Milwaukee; Rev. Albert Haupert, of Watertown; J. M. Hibbard, of Strouthton; H. J. Leighton, of Chilton; Cordial G. Hinley, of Waveno; Bronson & Glover, of Menasha; Frank E. Noyes, of Marinette; John E. Thomas, of Sheboygan Falls, and Samuel Shore, of Crandon, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Stevens Point Post, No. 156, Department of Wisconsin, Grand Army of the Republic, praying for the enactment of legislation in reference to civil service and appointments thereunder; which was referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. MASON presented a memorial of Local Union No. 38, Cigar Makers' International Union, of Springfield, Ill., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

Mr. ALLEN presented a petition of Company D, Second Regiment Nebraska State National Guard, praying for the enactment of legislation to increase the appropriation for the maintenance of the National Guards of the United States; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Nebraska and Kansas Farmer and Breeder, and a memorial of the News, of Nebraska City, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Building Trades Council of Omaha, Nebr., praying that the Government build reservoirs and irrigation works, and that the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to any of these lands be made to any but actual settlers and home builders on the land; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented resolutions adopted at a mass meeting of citizens in Omaha, Nebr., relative to the war now being waged against the Transvaal Republic and the Orange Free State in South Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Harrison, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a memorial of the Federation of Musicians of Chicago, Ill., remonstrating against the cession of public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 19, Journeymen Tailors' Union, of Peoria, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of workmen and mechanics on the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Typographical Union of Joliet, Ill., praying for the enactment of legislation to print the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

He also presented memorials of the Free Press, of Carbondale; the Riverton Enterprise, the Mechanicsburg News, the Buffalo Press, the Chicago Unity, the Nashville Democrat; the Farm Home, of Springfield; the Bureau County Republican, of Princeton; the Independent Star, of Elizabethtown; the Pilot, of Noble; the Home News, of Elizabethtown; the Weekly Citizen, of Schuyler; the Daily Citizen, of Rushville; the Leader, of Walnut; the Cycle Age and the Motor Age, of Chicago; the Pratt County Pilot, of Monticello, and the School and Home Education, of Bloomington, all in the State of Illinois, and a memorial of the Philanthropic Index and Review, of Kalamazoo, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of the Maine Academy of Medicine and Science, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Maritime Association of the Port of New York, remonstrating against the enactment of legislation to regulate towing in the port of New York; which was referred to the Committee on Commerce.

He also presented the petition of Charles P. Lincoln, of Washington, D. C., praying for the enactment of legislation relative to the Jerome treaty with the Comanche and other Indians of the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the senate of Temple Congress, praying for the establishment of free commercial intercourse between Puerto Rico and the United States; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 743) to relieve Benjamin F. Burgess of the charge of desertion, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1562) for the relief of Wilbur F. McCue;

A bill (S. 961) to place John M. Cunningham on the active list; and

A bill (S. 2932) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to Omaha, Nebr., and appropriating money therefor.

Mr. PETTUS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 805) to remove the charge of desertion from the name of David Dunwoody;

A bill (S. 999) to remove the charge of desertion standing against Thomas B. Peterson; and

A bill (S. 799) to correct the military record of John Scanlin.

Mr. SHOUP, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2762) to authorize the Secretary of War to correct the military record of Wynn W. Pefley; and

A bill (S. 3283) for the relief of Isaac R. Dunkelberger.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (S. 3301) to provide an American register for the barge *Davidson*, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2938) granting an increase of pension to Joseph Longmire, reported it with an amendment, and submitted a report thereon.

STEAMER WINDWARD.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 6767) to grant an American register to the steamer *Windward*, to report it without amendment. As it is a very brief bill, to which I feel sure there

will be no objection, I ask unanimous consent for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVIEW OF THE WORLD'S COMMERCE.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a concurrent resolution, and I ask unanimous consent for its immediate consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Department of State, 10,000 copies of the general summary entitled "Review of the World's Commerce" for the year 1899, and 5,000 copies of Commercial Relations of the United States for the year 1899, including the summary.

Mr. COCKRELL. Is that only for the benefit of the State Department? I ask the Senator from New York reporting the resolution whether the Senate and House will get any copies of this publication?

Mr. PLATT of New York. I understand they will.

Mr. COCKRELL. The resolution does not give any copies to the Senate or House. Let the first part of the resolution be again read.

The Secretary again read the resolution.

Mr. COCKRELL. I do not remember that that document has been ordered printed for the use of the Senate and House.

Mr. HALE. Undoubtedly under this resolution all the copies would go to the Department.

Mr. COCKRELL. Unless it has already been ordered printed for the use of the Senate and House, there ought to be some copies provided for Congress.

Mr. HALE. I suppose probably what has been done is that as the documents have come in, the usual number, which is very small, has been printed for the use of the Senate and the House.

Mr. PLATT of New York. There has been no such resolution passed.

Mr. HALE. But under the general rule as the documents are sent in, the usual number, which is very small, is printed. Then generally (I know that was my experience on the committee) we provided by a resolution for additional copies, of which so many shall be for the use of the House and so many for the use of the Senate and the remainder for the Department.

Mr. PLATT of New York. We will bring in a separate resolution hereafter for copies for the Senate and the House.

Mr. HALE. Does the Senator think this number is none too large for the Department?

Mr. PLATT of New York. I presume not. It is the recommendation of the Department and of the President.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Arkansas. Has this document ever been printed? Has it been in the hands of Senators? Do we know anything about what the document is?

Mr. PLATT of New York. Last year the same number of copies of the same document was printed for the preceding year.

Mr. JONES of Arkansas. Of this same document?

Mr. PLATT of New York. No; not of this same document. It was the report for the preceding year.

Mr. JONES of Arkansas. It seems to me if the document is worth printing at all, there should be some copies of it printed for the use of Senators and Members of the House, and it ought not to be printed exclusively for the use of the State Department.

Mr. PLATT of New York. I stated that hereafter we would bring in another resolution embodying the views of the Senator.

Mr. JONES of Arkansas. Why should it not be done now? I can not understand why the printing should be done for the use of the State Department before it is done for the use of the Senate itself.

Mr. PLATT of New York. As the Senator from Arkansas is a member of the committee we will now make an amendment so as to have copies ordered for the two Houses.

Mr. JONES of Arkansas. I am perfectly willing to take the matter up in the committee at any time, whenever it is necessary to be done. I did not know anything about the facts in the case and I wanted to understand it. I suggest that the resolution go over until to-morrow, and the Senator from New York can propose such amendments as will be necessary to meet the requirements.

The PRESIDENT pro tempore. Objection is made to the present consideration of the resolution, and it goes over.

Mr. PLATT of New York, subsequently said: I ask consent to withdraw the resolution I reported a short time ago for printing the Review of the World's Commerce.

The PRESIDENT pro tempore. The Senator from New York asks leave to withdraw the report which was made by him this morning touching commercial reports. Is there objection? The Chair hears none, and the resolution is withdrawn.

BILLS INTRODUCED.

Mr. KEAN introduced a bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3482) granting an increase of pension to Elias M. Lynch (with accompanying papers);

A bill (S. 3483) granting an increase of pension to Jeremiah Jackson (with accompanying papers); and

A bill (S. 3484) granting an increase of pension to William Flinn (with accompanying papers).

Mr. ALLEN introduced a bill (S. 3485) to remove the charge of desertion from the name of James W. Pace; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3486) to remove the charge of desertion from the name of Herrm Henry Schapers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3487) to increase the pension of Dr. William O. Osgood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3488) to amend an act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 3490) in relation to admissions to and dismissions from the Reform School of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 3491) to correct the military record of Henry Butler; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3492) for the relief of Andrew H. Plemmons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3493) for the relief of E. B. Norville; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3494) for the relief of James M. Howard, administrator of Thomas S. Howard, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3495) granting an increase of pension to Merritt Young;

A bill (S. 3496) granting a pension to William Rommel; and

A bill (S. 3497) granting a pension to James Edwards.

Mr. HANSBROUGH introduced a bill (S. 3498) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NELSON (by request) introduced a bill (S. 3499) for the relief of Henry W. Lee; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3500) granting a pension to Mary Merideth (with an accompanying paper);

A bill (S. 3501) granting an increase of pension to Kate Harbaugh (with an accompanying paper); and

A bill (S. 3502) granting a pension to Elisabeth Whisler (with accompanying papers).

Mr. HANNA introduced a bill (S. 3503) to correct the military record of Jacob McDowell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3504) for the relief of the

Menomonee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3505) granting an increase of pension to Edwin Culver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 3506) for the relief of Bayles E. Cobb; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3507) for the relief of Betty Mosely and Martha B. Mosely; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a joint resolution (S. R. 99) authorizing the President to appoint an inspector to be attached to the office of the Secretary of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced a joint resolution (S. R. 100) providing for the printing of additional copies of the Report of the Governor of Alaska for 1899; which was read twice by its title, and, with the accompanying letter from the Secretary of the Interior, referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment relative to the claim of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting United States mails between July 1, 1878, and February 21, 1892, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HALE submitted an amendment relative to the appointment of an inspector of accounts to be attached to the office of the Secretary of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MASON submitted an amendment fixing the salary of the chief clerk, office of the First Assistant Postmaster-General, at $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ADULTERATED FOODS.

Mr. MASON (by request) submitted an amendment intended to be proposed by him to the bill (S. 2426) to prevent the manufacture of adulterated foods; which was referred to the Committee on Manufactures, and ordered to be printed.

TRADE RELATIONS WITH PUERTO RICO.

Mr. BACON. I send to the desk and ask to have read for information amendments intended to be proposed by me to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

The amendments were read and ordered to lie on the table and to be printed, as follows:

Amendments intended to be proposed by Mr. BACON to the bill (H. R. 8245) entitled "An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes," viz:

Strike out from section 8 all from the beginning thereof to and including the word "Congress," in the twenty-third line, on page 8, and insert in lieu thereof the following:

"SEC. 8. That on and after the date when this act shall take effect there shall be levied, collected, and paid upon all articles imported from foreign countries into Puerto Rico, which is hereby constituted a customs-collection district, the rates of duty mentioned and prescribed in the schedules and paragraphs of an act entitled "An act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897; and on and after the date when this act shall take effect, organizing and establishing civil government in Puerto Rico, there shall, in accordance with section 8, Article I, of the Constitution of the United States, be no duties or imposts levied, collected, or paid upon any articles imported into Puerto Rico from any part of the United States, and no duties or imposts shall be levied, collected, or paid upon any articles imported into any part of the United States from Puerto Rico."

Strike out all of section 10.

SABINE PASS IMPROVEMENT.

Mr. CULBERSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be authorized and directed to submit a report of survey and estimate for the improvement, straightening, and widening the main ship channel in Sabine Pass, Texas, from a point 1,000 feet north of the United States life-saving station to Sabine Lake, and that said survey and estimate be made in accordance with the provisions of section 22 of the river and harbor act of March 3, 1899.

TEXAS STATE CLAIMS.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate a complete list of all claims audited and paid to individuals or corporations for expenses for the subsistence, transportation, sheltering, and generally the maintenance of volunteers, during the interval between their enrollment (enlistment) and their muster (or being sworn in) into the service of the United States; also all incidental expenses connected therewith, such as the hire of officers' clerks, messengers, etc.; for mustering officers for volunteers organized in the State of Texas in 1898 for the Spanish war, together with the names of the owners of each of such claims, the character and amount therof, and the date of the audit and payment of same.

THE CLAYTON-BULWER TREATY.

Mr. MASON submitted the following resolutions; which were refered to the Committee on Foreign Relations:

Whereas Gen. Lew Wallace, of Indiana, a conspicuous citizen of the Republic, who was elected a delegate at large from the State of Indiana to the Republican national convention meeting in St. Louis in 1896, alleges that the late James G. Blaine, then Secretary of State of the United States of America, told him, the said Lew Wallace, that he, the said James G. Blaine, had just finished the preparation of a note or manuscript of instruction to the minister of the United States to the Government of Great Britain in which the contention was maintained that the Clayton-Bulwer treaty of 1850 had been rendered void by the acts of the British Government; and,

Whereas the published correspondence of the Department of State of the United States of America indicates that the late James G. Blaine had maintained in his official capacities that the treaty commonly called the Clayton-Bulwer treaty had been violated by Great Britain, and for that reason should be abrogated; and the late Frederick T. Frelinghuysen, Secretary of State of the United States Government, maintained in his correspondence that the Clayton-Bulwer treaty had been abrogated by the acts of Great Britain and the United States and was for that reason null and void; and

Whereas the State Department has declared to the newspapers of the country that the late Frederick T. Frelinghuysen was the only Secretary of State who held the view that the Clayton-Bulwer treaty had been canceled: Therefore, be it

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate of the United States any and all correspondence between the State Department of the United States and the Government of Great Britain, and particularly any notes or correspondence or declaration of policy relative to an isthmian canal, and to any treaties referring to such canal, that may have been written or dictated or authorized by the said James G. Blaine; and be it further

Resolved, That the Secretary of State of the United States be, and he hereby is, requested to furnish to the Senate a chronological recapitulation of the various contentions made by the Secretaries of State of the United States since the signing of the so-called Clayton-Bulwer treaty as to the validity of said treaty, the replies thereto by the Government of Great Britain, and the violations of the terms of said treaty on the part of Great Britain which have been held by the Government of the United States or the Secretaries of State thereof to have operated as an abrogation of said treaty; the purpose of this resolution being to secure from the State Department a complete explanation as to the attitude of the various Secretaries of State of the United States relative to the Clayton-Bulwer treaty.

SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. Is there further morning business? If not, the morning business is closed.

Mr. PETTUS rose.

Mr. MASON. I do not wish to interfere with the notice given by the Senator from Alabama, as I understand the Senator gave notice he would address the Senate at this hour. I wish to give notice that upon the conclusion of his remarks I desire to call up my motion asking to relieve the Committee on Foreign Relations from the further consideration of the resolution which I introduced on the 6th day of December, 1899.

The PRESIDENT pro tempore. The Chair is not informed that the Senator from Illinois has made any motion. If the motion is made, it will lie over under the rule one day.

Mr. HOAR. If objected to.

The PRESIDENT pro tempore. Yes; unless the Senate otherwise orders. Does the Senator from Illinois make the motion?

Mr. MASON. Well, I make the motion to-day. I gave notice yesterday; and I want to say to the members of the committee that I gave notice yesterday simply to emphasize the fact that I did not wish to take the resolution away from the committee if they had any disposition to report it. They have had the resolution three months and three days, and I now make the motion and desire to have it entered. If under the rules it goes over we will take it up to-morrow morning at the close of the morning hour.

Mr. HALE. At the close of the routine morning business.

Mr. MASON. It will be included in the morning business, after the routine work of the morning hour.

Mr. COCKRELL. After the morning business.

Mr. MASON. As a part of the morning business, after the routine business to-morrow morning I desire to take it up. I make the motion now.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Committee on Foreign Relations be discharged from the further consideration of the resolution——

Mr. MASON. The resolution introduced by me on the 6th day of December, 1899, of sympathy for the Boers, and that the said resolution be placed upon the Calendar.

The PRESIDENT pro tempore. The motion will go over under the rule.

HUDSON RIVER BRIDGE.

Mr. SEWELL. I ask the unanimous consent of the Senate to call up the bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and

to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. SEWELL. I simply want to call up this bill, which was reported from the Committee on Commerce by the Senator from Missouri [Mr. VEST] some time ago. It will take but a minute. It proposes to extend the time for the construction of the bridge.

Mr. PETTUS. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House insists upon its amendment to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

GOVERNMENT OF PUERTO RICO.

Mr. PETTUS. Mr. President, I ask that House bill 8245 as amended in the Senate be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the following bill.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. PETTUS. Mr. President, Job said, "When I looked for good, then evil came;" and every hopeful patriot might well use the words of that long-suffering man when he sees this proposed legislation for the government of the island of Puerto Rico.

The President of the United States in his message to Congress gave his opinion as to the laws needed for good government in that territory of the United States. No sordid politician had put his vile fingers in the ink of that message. It advised justice and equal rights as the rules for our action in framing laws for the government of the new citizens of the United States in Puerto Rico. He specially advised that there should be no tariff duties levied on goods coming to us from that island or going from the other parts of the United States to Puerto Rico. The President of the United States is the head of the party now in power in both Houses of Congress, and we had the right to hope and to believe that he would have some influence over this Administration, especially when the rallying cry of the party for three years has been, "Support the Administration."

Then the President's Secretary for War gave in substance the same advice. But "when I looked for good, then evil came." The Secretary of War says:

> I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

And now the public press are trying to induce us to believe that the Secretary of War wrote the bill, and that our President advised a "compromise" of justice to Puerto Rico in order to "hold the party together." For one I refuse to believe this charge against the President, and for answer say, "There are no such things done as thou sayest." For, though he may desire a reelection, he was a brave soldier and an able, generous man; and for one like him, "it is not all of life" to be reelected by a party which he can not induce to do justice or to act for the common good of all our citizens as he sees it. When you pass this bill without doing justice to the people of Puerto Rico as the President has stated it, and he approves your act, then I may believe the next vile thing I hear asserted against a good man.

Then I may believe the awful picture drawn by a cartoonist in one of the papers of this city. It represented a small barefoot boy lying on the ground, face downward, and an enormous elephant standing with two feet on the boy's legs and the other two on the boy's body, and the name of the boy was "Puerto Rico," and the name of the elephant was "Grand Old Party." The head of the elephant was hanging down, as though ashamed of his own conduct.

Mr. President, when this bill is enacted by Congress in its present form and is approved by the President, just men will be forced to write under that horrible picture, "A true bill."

Mr. President, let me invite your attention to the condition of the people of Puerto Rico; and in order to do so I will read from page 19 of the last Annual Report of the Secretary of War to the President, where he draws a mild picture of the condition of Puerto Rico. He says:

> The year has been devoted to administering and improving the civil government of the island and instructing the people in the rudiments of self-government, and this has been done at every step in conference with the leading citizens of the island, and upon lines agreed upon between them and the military governor. The work has been retarded by the unfortunate industrial condition of the island, caused by the fact that the people were unable to find remunerative markets for their products.
>
> The prevailing distress was heightened by the terrific hurricane which swept over the entire length of the island on the 8th of August, 1899, followed by a deluge of rain and a tidal wave on the south coast. The result of this disaster was the loss of about 3,000 lives, the destruction of sugar mills, dwellings, roads, bridges, and growing crops. The principal crop of the island is coffee, and fully two-thirds of the coffee crop of the year was destroyed. Over 100,000 people were reduced to absolute destitution, without homes or food or means to obtain food, and at the same time the avenues of communication were destroyed, so that many of the destitute were reached with the greatest difficulty.
>
> An immediate appeal to the people of the United States, through the War Department, met with a prompt and vigorous response. Relief committees were organized in our principal cities, and their work was systematized by a central relief committee with its headquarters in New York. One thousand tons of food were sent to the island for distribution during each week until the middle of October, when it was possible to reduce the quantity to 500 tons a week. Great quantities of medicines and other supplies were also furnished. Whenever the quantities of food furnished by private charity were insufficient to maintain the regular supply, the deficiency was made up by this Department, at an aggregate cost of $392,342.63, not including cost of transportation.

Now, considering the distressed and impoverished condition of these people, the policy of this bill is bad, apart from questions of law. Your purpose, of course, must be to make of the people on the island useful and peaceable and patriotic citizens; yet you certainly know that such citizens can never be produced by oppressive and unjust legislation.

This bill is bad in policy, in its provisions for levying taxes. It taxes what comes out of the island to other parts of the United States, and what goes into the island, and also what stays in Puerto Rico. And for what purposes?

1. To pay the legitimate expenses of the local government—to which purpose no objection is made.

2. But these people by this bill are taxed to pay the salaries of the United States district judge, the United States district attorney, and the United States marshal. Why not, on the same principle, make New York pay for the administration of the laws of the United States in the great State of New York?

3. And they are to be taxed to reimburse the United States for any moneys which have been or may be expended for the relief of the industrial conditions of Puerto Rico caused by the hurricane of August, 1899. This last item, when the Secretary of War made his report for last year, was $392,342.63. This last provision puts the United States in the unseemly attitude of generously relieving the sufferings of some of its citizens from the effects of a hurricane and a tidal wave, as this Government has done before at home and abroad, and then taxing those people to get back a generous donation. That is a thing which this Government never did before, and I hope Senators will not allow such a thing to be done. It is illegal and hardly decent.

As to the policy of this bill, I say it is bad. The policy is bad in the tariff tax levied by the bill; and I call your attention, Senators, to what has been the action of the Chamber of Commerce of New York. Their opinion on this part of the bill was sent to Senators by the president of that distinguished body of merchants, Mr. Morris K. Jesup. I will read it. I want to prove that some good can come out of Nazareth:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At the monthly meeting of the Chamber of Commerce, held Thursday, March 1, the following resolutions reported by its committee on foreign commerce and the revenue laws, in reference to the Puerto Rican tariff, were unanimously adopted—

The merchants had no doubt about what they were saying. There was not a doubting Thomas among them.

> Whereas in accepting the cession of the island of Puerto Rico and in assuming the control of the destinies of this new Territory the people of the United States have undertaken a solemn duty and obligation toward the people of that island, and are in good faith bound to recognize the welfare and the interests of its inhabitants as identical in every particular with our own; and
>
> Whereas the President of the United States in his message to Congress unequivocally declares that the markets of the United States should be opened to Puerto Rico's products, and that our plain duty is to abolish all customs tariffs between the United States and Puerto Rico, and to give to her products free access to our markets; and
>
> Whereas the Secretary of War, in his last report to the President, states that the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own, and should remove the customs duties between Puerto Rico and the United States: Now, therefore, be it
>
> *Resolved*, That the Chamber of Commerce of the State of New York records its emphatic opinion that every consideration of honor, justice, and humanity demands that trade between the United States and the island of Puerto Rico shall be unrestricted by any customs duties whatever; and be it further
>
> *Resolved*, That early and prompt action should be taken by the Congress to redeem the good faith and the implied pledges of this nation as sponsor for the future welfare of Puerto Rico; and be it further

Resolved, That a copy of the preamble and resolutions be sent to the President of the United States and to the members of both Houses of Congress.

MORRIS E. JESUP, *President*.

Attest:

GEORGE WILSON, *Secretary*.

NEW YORK, *March 1, 1900*.

So much for the mere policy of this measure.

Mr. President, my purpose in taking the floor was to call the attention of Senators to provisions in this bill which can not be enacted without a violation of the Constitution of the United States.

This bill levies a tariff tax on goods imported into Puerto Rico from other parts of the United States; and also on goods imported from Puerto Rico into other parts of our country. Yet the Constitution declares:

All duties, imposts and excises shall be uniform throughout the United States.

And it also declares:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

Now, what meaning will you give to the command, "Duties shall be uniform thoughout the United States?"

Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, 317), decided in 1820, gives a direct and clear answer. He, giving the unanimous opinion of our Supreme Court, says:

The eighth section of the first article gives to Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant is general and without limitation as to place. It consequently extends to all places over which the Government extends.

If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power then to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

Thus spoke the greatest of the judges.

That decision merely establishes that the Constitution of the United States is the supreme law over all and every part of the territory of the United States, whether in or outside of the separate States. In other words, the United States can not have sovereign power over any spot on earth not subject to our Constitution.

This decision, made by Chief Justice Marshall, has been, in substance, fully sustained by very many decisions subsequently made, extending over the entire time from 1820 to 1897, when another of our great judges decided the case of Thompson *vs.* The State of Utah (170 U. S., 347), where Justice Harlan, speaking for the court, says:

It is equally beyond question that the provisions of the National Constitution relating to trials by jury for crimes and criminal prosecutions apply to the Territories of the United States.

"In the course of human events it becomes necessary" to invent new theories, even for the construction of our fundamental law; and this is most often done in cases where the plain letter and true meaning of the Constitution are in conflict with the plans and purposes of a political party. And lately and in high place, as the papers inform us, it was boasted, and in reference to a constitutional difficulty, that "If the people want to do a thing, they will find a way to do it." Partisans who use such language usually speak of their party as "the people."

Even the distinguished Senator from Ohio [Mr. FORAKER] in charge of this bill has his favorite theory, and he has reduced it to a maxim; in substance, that the Constitution does not extend into the Territories of the United States proprio vigore. If the Senator means by this favorite declaration that anything can be lawfully done in any Territory of the United States contrary to the provisions of our Constitution, he will find a plain denial of his assertion in the Constitution itself. And if his meaning is as I have supposed, the great lawyer in charge of this bill has admitted in the bill itself that his theory is without any real foundation.

The United States can not act or speak except it be by some one or more of its officers. The President of the United States and the officers lawfully acting under him speak and act for the United States in all matters of an executive nature. The Congress and subordinate legislative bodies in certain localities speak and act for our National Government in all matters of a legislative nature; and all judicial speaking and acting for the nation must be by the Supreme Court and such other court as may be created by law. No other human being can speak or act for the United States except in a few particular cases, where officers of the State may exercise authority.

Mr. President, notice how wisely the great men who framed our Constitution wrote in reference to every human being who could possibly speak or act for the United States:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution.

Senators, if anyone should desire disobedience to our Constitution in our territory of Puerto Rico, neither the President nor the Congress, nor the courts, nor any other officer can do the mean thing, because they have all sworn to support the Constitution; and they are all honorable men.

The senior Senator from Ohio has admitted in his bill here that his pet theory is not sound, for in the fourteenth section of his bill he requires every officer sent to Puerto Rico to take an oath to support the Constitution. After taking that oath, does he propose that they shall break it or not be bound by it, either in their personal or official conduct?

The Constitution may not go "proprio vigore," it may not and ought not to "follow the flag," for to follow means to go after. But the Constitution does go with the flag, for it is carried in the breast of every true and loyal officer of the United States into the Territories of the United States and wheresoever he may act for this great Republic.

The amendment proposed by the Senator from Minnesota [Mr. DAVIS] is a most interesting specimen of inventive genius. He proposes to send over to Puerto Rico the Constitution of the United States, not all at once, but by installments—now a little, and then a little. His amendment says:

That for the purposes of this act the following provisions of the Constitution of the United States are hereby extended and made applicable to Puerto Rico.

And then follows the clauses granting and regulating the power to tax. When and how did the Congress get authority to divide the Constitution or to repeal a part of it or to dole it out in homeopathic doses?

Mr. President, there are other things which should be changed or stricken out of this bill, and I have called your attention to some of them in the amendments which I have presented. But I will not now discuss these minor defects.

Senators, I beg you not to change the Constitution by act of Congress. There is an order in the Holy Book, "Remove not the ancient landmark." And then follows the penalty in these words:

Cursed be he that removeth the landmark which his father hath set. And all the people shall say, Amen.

Mr. FORAKER. Mr. President, it is not yet 2 o'clock, the time when the unfinished business should be properly laid before the Senate, and I do not know whether there is any other Senator present who desires to speak on this bill. Neither do I know the desire of Senators as to the presentation of other business.

Mr. MORGAN. The bill was laid before the Senate for consideration.

Mr. FORAKER. The bill was laid before the Senate when the Senator's colleague commenced his remarks. If there is any other Senator who desires to speak, I shall be glad to yield to him. If not, I will say something myself.

Mr. MORGAN. I should like to inquire of the Chair what the question on this bill is now before the Senate?

Mr. FORAKER. In answer to the Senator from Alabama, I can only say that the bill is the unfinished business of the Senate. It has been read.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. FORAKER. Notice has been given of a great many amendments to be proposed, but none has yet been offered.

Mr. MORGAN. None have been acted on?

Mr. FORAKER. None has been acted on. A great many are now lying on the table.

Mr. MORGAN. The point of my inquiry is this——

The PRESIDING OFFICER. The real question before the Senate, the Chair understands, is on the amendment reported by the committee.

Mr. MORGAN. At the proper time, after the committee have gone forward and perfected their bill, if they intend to offer any committee amendments by which the bill is to be perfected——

Mr. FORAKER. We are now considering the House bill, but the Senate Committee on Pacific Islands and Puerto Rico reported as a substitute for the House bill a Senate bill which they had previously reported favorably. So we have now under consideration the House bill, but the main proposition before the Senate is the amendment proposed as a substitute by the Senate committee, and I will now speak to that in answer to the Senator from Alabama [Mr. PETTUS] if there is no other Senator desiring to speak.

Mr. MORGAN. Not with a view of cutting off debate or trying to dispose of the question in any usual way at all, I wish to say this: That either when the Senator is through and other Senators

have spoken upon it, or at a later day in the progress of improvement and modification of the committee amendment, I propose to move to lay the entire substitute on the table, and shall ask for a yea-and-nay vote upon that proposition at the proper time. I do not want to cut off anybody from debating it, but I want to give notice now that I intend to make that motion.

Mr. FORAKER. Mr. President, in view of the expressed purpose of the Senator from Alabama [Mr. MORGAN], it will be necessary for those of us who desire to speak further to speak while we have the opportunity, as I understand, under the rules of the Senate, that motion is not debatable, and when made must be at once voted upon. Therefore I shall now briefly make answer to the criticisms made by the Senator from Alabama [Mr. PETTUS] upon this bill.

Mr. President, the Senator from Alabama [Mr. PETTUS] commenced his remarks with a Scriptural quotation. The trouble with my friend from Alabama seems to be that with which a good many men are afflicted—they know how to quote Scripture, but they do not always know how to make a correct application of it. The quotation was from Job: "When I looked for good, then evil came." I am not at all surprised that the Senator from Alabama was looking for good; and I am not at all surprised that the Senator from Alabama imagines that only evil has come. It will be my purpose, if I can, to satisfy the Senator from Alabama that he is mistaken, and that there is no case for the application of the Scriptural quotation he has made; that he not only looked for good, but that good has in fact been proposed by this measure.

Now, upon what theory is it that the Senator from Alabama undertakes to make it appear that not good but only evil is proposed by this bill? His theory is the same as that upon which the bill has been criticised by other Senators in this Chamber and the same theory upon which it has been criticised by a good many newspapers throughout the country. The criticism is that this bill does not deal fairly in its propositions with the people of Puerto Rico; that we are dealing illiberally and ungenerously with them; and the Senator from Alabama, to be specific, points out that we are levying 15 per cent of the existing Dingley rates of tariff upon commerce between the United States and Puerto Rico and that we are requiring the people of Puerto Rico, out of their revenues, to pay the salaries of the officials of Puerto Rico, for the appointment of whom we provide, to administer their government; and also that we provide in this bill for the issuance of bonds by the insular government, for which we are providing, to reimburse the United States for moneys expended by the United States to restore the industrial condition of that island. Let me now address myself to all this, for there seems to be a good deal of misunderstanding about the character of this bill, not only throughout the country, but here in the Senate, where every Senator has had an opportunity to read every word and every line and to study and understand and appreciate it.

I wish to commence by saying that instead of this bill being illiberal and ungenerous in its provisions toward the people of Puerto Rico, it is the most liberal and generous bill in its provisions that has ever been proposed in Congress for any Territory of the United States since the beginning of our Government. It is the very opposite of what is said about it. Now, before passing to the specific objections made by the Senator from Alabama, I call attention to the character of government, so far as its framework is concerned, that this bill provides for the island of Puerto Rico. You are all familiar with the Territorial governments that are now in operation. You know that for New Mexico, Arizona, and other Territories we have a governor, a judiciary, and we have also a legislative department. You are all aware that the governor and judiciary in these legislative governments are appointed by the President. The people are not consulted about them. They are not allowed to vote. They have no choice. The President appoints. When it comes to the selection of a legislative assembly, they elect and elect both houses. That is the present system. But it was not always so. Our first Territorial legislation was for Louisiana, and after that we had one legislative act after another establishing governments for Territories.

I have before me the act under which we took possession of the Territory of Louisiana and provided for that Territory its first government. That act was passed in 1803, on the 31st day of October, while Thomas Jefferson was President, and I have seen it stated in reliable and authentic histories that Thomas Jefferson and James Madison drew that act, one the author of the Declaration of Independence and the other a coframer of the Constitution. They certainly ought to be good authority as to what the power of Congress is to legislate for acquired territory and this act certainly ought to be a standard by which we have a right to measure the provisions we are now proposing for Puerto Rico, in order to determine whether we are dealing generously or illiberally by that people.

I will not stop to read this, but I will ask that the act to which I refer may be incorporated in the RECORD as a part of my remarks. I stop here only to call attention to the fact that it was provided by this legislation that all military, civil, and judicial power should be vested for the government of that Territory in such person and persons as the President of the United States might select. The people were not consulted. There was no providing, by any consultation with them, for a governor, or a judiciary, or a legislative department, but all powers were placed in the hands of the President, to be exercised by such agencies as he might see fit to provide. I ask that the act may be incorporated in the RECORD. It is short. There are only two sections.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the act to which he has referred may be incorporated in the RECORD as a part of his remarks. Is there objection? The Chair hears none.

The act referred to is as follows:

CHAPTER I.—An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, be, and he is hereby, authorized to take possession of and occupy the territory ceded by France to the United States by the treaty concluded at Paris, on the 30th day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the Army and Navy of the United States and of the force authorized by an act passed the 3d day of March last, entitled "An act directing a detachment from the militia of the United States and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Approved, October 31, 1803.

Mr. FORAKER. The same legislation was enacted for Florida when later we came by acquisition from Spain to take possession of that territory; and it was in effect repeated when we annexed Hawaii.

Let me call attention, for I have taken the trouble to go over these various acts, to what was done in respect to other Territories. In the Northwest Territory, under the ordinance of 1787, preceding the adoption of the Constitution, it was provided that all governmental powers should be vested in and be exercised by the governor and judges, they to make laws until a general assembly should be selected. By the act of May 26, 1790, creating a civil government for the territory south of the Ohio River, the provisions of the ordinance of 1787 for the government of the territory northwest of the river Ohio were adopted.

By the act of May 7, 1800, it was provided that the government for the Territory of Indiana should be the same as the government for the Northwest Territory. In the act of October 31, 1803, establishing a government for Louisiana, the provisions were as I have already recited. In a second act, providing a government for this same Territory, all power of government was lodged in a governor and secretary and thirteen councilors. Nobody was given a right to vote for any official. The governor and these thirteen councilors discharged all executive duties, did all legislation, and everything else, except only what was done by the judiciary, all the members of which department of government were appointed. Later, by the same act, a Territorial government was provided for the district of Louisiana. It was the northern part of the Louisiana purchase, and according to this act all the legislative, judicial, and executive powers were lodged in the officials already provided for the Territory of Indiana. They were to legislate for Louisiana, and Louisiana was not given any officials of its own, not even by appointment.

So I might go on and show that in the case of Missouri, in the case of Arkansas, and in practically every case down to 1850, the whole power of government was placed by appointment in officials whom the President might see fit to select, and the people of the Territory were not given any right of election whatever. Since that time generally, almost without exception, the rule has prevailed to which I have adverted, and the people have been allowed to elect their legislative branch of government.

Now, in Puerto Rico we have departed from this last rule to this extent: We have provided that the governor shall be appointed and the judiciary shall be appointed and the upper house of the legislature shall be appointed, but we have provided that the lower house shall be elected. So the difference between the latest and most liberal governments that we have established for the Territories is in the fact that we appoint instead of allowing the people to elect the upper house.

Mr. President, there is good reason for that. The people of Puerto Rico differ radically from any people for whom we have

heretofore legislated. They have had a different kind of experience, especially in the matter of government. They have had no experience such as to qualify them, according to the testimony adduced before our committee at the hearings had, for the great work of organizing a government with all its important bureaus and departments such as the people of Puerto Rico are in need of. So the committee thought when they came to frame this bill, although they were anxious to give to the people of that island all the participation in government they could bring their minds to judge it was safe to give them, that as to these important officials the power should be reserved to the President to appoint them, thinking that by appointment of the President, by and with the advice and consent of the Senate, men of capacity for the great work of organizing those bureaus and starting that government as nearly as possible in harmony with the spirit of our institutions might be secured. That is the only reason for the departure.

I take a great deal of pleasure in saying to the Senate that so far as I am aware no intelligent and appreciative man in Puerto Rico has taken any serious exception to that provision. There has no doubt been some dissent at times, but as the matter has come to be understood, as the great work to be done has been unfolded and they have come to understand and appreciate it, they all recognize the wisdom and the propriety of it, and the people of Puerto Rico are satisfied with it. They recognize that this is a far more liberal government than we ever gave to any Territory in the early days of the Republic, and under the circumstances quite as liberal a government as any that we have authorized in later years.

Mr. President, the trouble with this bill, however, according to the criticisms that have been made, is not on this point, but it is with respect to the provision in the bill proposing a tax on commerce between Puerto Rico and the United States and in the particulars specifically mentioned by the Senator from Alabama. Now let me point out briefly why I said a moment ago that the Senator from Alabama does not recognize good when it comes, but mistakes it for evil, particularly in this instance. I have before me the official report of General Davis, who has been military commander there for the last year. He is a very able, a very careful, a very conservative, and a very painstaking man, and his statements impressed the committee as absolutely reliable. We sent for him and had him come all the way from Puerto Rico to advise us as to the conditions existing in Puerto Rico in order that we might be able to legislate intelligently. He told us about the people, and he told us about their industrial conditions.

I need not stop here to speak of what he said about the people, except only to say that it was creditable to them in a high degree, yet coupled with the fact that perhaps 90 per cent, or at least 85 per cent, of them are unable to read or write and are not possessed of any property. That to which I wish to call attention—because it has direct reference to and is the basis of this provision—is what he said about the industrial conditions in that island. Let me read a minute. He says in his report of September 5, 1899:

Previous to the 8th of August—

Which was the date of the hurricane—

the industrial situation here was far from satisfactory. In previous communications by cable I have adverted to that, but certain bold facts as bearing upon the business, production, and revenues of the island I now give, and in some respects repeat what has before been said.

The normal exports under Spain had been about 18,000,000 pesos for several years, and the taxes raised for the insular treasury and for Spain were about 5,000,000 pesos. The amount of municipal taxes would approximate another million, I suppose.

The exports for calendar year 1898, the year of the war, have not yet been ascertained, but the total must have been much less than formerly. There is as yet some lack of precise information as to the amounts raised by taxes for insular and municipal treasuries.

The exports during the current calendar year will show a great falling off, while the present budget calls for an expenditure of about 3,000,000 pesos.

The exports will stand something like the following, in pesos:

Coffee	7,000,000
Sugar	4,500,000
Tobacco	500,000
Total	12,000,000

For next year tobacco as an export may be eliminated—

I am calling attention to this in order that the industrial condition and the capacity of the people to pay taxes may be brought to the attention of the Senate—

For next year tobacco as an export may be eliminated, as it will be planted only in sufficient quantities to supply home consumption, but of stocks left there may be for export 500,000 pesos.

The most sanguine estimate for next year—

That is, this year—

is one-third of a normal crop of coffee for export, or, say, 18,000,000 pounds, which at present prices will net the producers about 1,500,000 pesos.

I will say in this connection that in a subsequent report made in December he said to the War Department that instead of one-third of a coffee crop there will not be this year more than 10 per cent of a crop; that the hurricane was more disastrous than he had imagined.

If the destroyed or damaged sugar mills are all restored, the export of cane products may reach 5,000,000 pesos.

We have, then, a total possible export of 6,500,000 pesos, or a little more than one-third the normal.

It does not require a demonstration to show that the industrial conditions existing before the hurricane, bad as they were, are excellent by comparison with those resulting from the storm.

Formerly but two-thirds of the labor that sought employment at 30 cents, American money, per day could secure it, and now not one-third the labor is employed at any rate of pay. A hundred thousand or more individuals are being fed from the bounty of the American people. In some localities where the municipal government was feeble and the town councils did not command respect (and I am sorry to say these towns are not fewin number) no collections whatever of taxes can be made; some who could pay will not, because of their belief that the contributions will be squandered; others make this belief a pretext for nonpayment, and many others, who were well off, have no means whatever with which they can even support their families.

Then he goes on. I will not detain the Senate to read it all, but I ask consent to insert it all in the RECORD. It is but a page additional and describes the very disastrous conditions that obtain in that island.

The matter referred to is as follows:

The coffee lands suffered worst. These trees are planted on the hill and mountain slopes, and in many places the declivities are very abrupt. The gale tore up the trees, loosened the soil, and the deluge of water converted the earth into a semifluid.

Then followed landslides, and thousands of acres of coffee plantations slid down into the valleys; trees, soil, rocks, and every vestige of culture are piled up in the bottom of the valleys. In such cases there is no restoration possible, for where there were smiling groves are now only bald rocks, which were uncovered by the avalanches.

Where the soil was not disturbed the most of the coffee trees were either uprooted, broken off, or stripped of foliage and the immature berries. The larger trees of other varieties, which are habitually grown for shade to the coffee, were blown down, and their protection to the coffee trees is also gone; so where the trees are not wholly denuded the protection of the berries from the sun's heat is absent, and the green fruit is blighted and spoiled.

It will take five years to reestablish these coffee vegas, and there will be necessarily years of want and industrial paralysis.

To say that this will deplete the revenues is unnecessary, for when purchasing power is wanting imports can not be made. It seems probable that the importations for the remainder of the year will not reach more than one-third of the estimate; therefore rigid economy will be necessary on every hand. But for the fact that I brought over from last fiscal year well on to a half million dollars of a balance, I would see no hope of administering the government.

And it would not be surprising if it should become necessary to borrow in order to pay the indispensably necessary expenses of the government. The present balance in the insular treasury is just about $570,000, American currency.

The sugar industry has suffered much less than the others. Some cane has been uprooted and some has been buried, and many mills have been damaged or destroyed. The margin of profit at present prices to the sugar grower is small, but there is a margin of probably a half cent per pound to the manufacturer who has modern machinery; but the old "Jamaica train" mills, which are badly damaged, will probably never be reconstructed, and the growing cane for next year can not be ground on such estates unless their owners can negotiate large loans. Many will be unable to do this, so the prediction seems justified that much growing cane will next year be left to rot in the fields.

The municipal governments are many of them prostrate; the police can not be paid, the prisoners can not be fed, and the schools must be closed if not wholly supported from the insular treasury.

From every town and village I am appealed to for financial help—donations; loans are asked, implored even, and the alternative of chaos is predicted as the result of refusal. Proprietors beg for financial help and the homeless for rehabilitation of their dwellings.

Mr. FORAKER. In other words, the statement made by General Davis shows that the industrial conditions of that island are absolutely paralyzed and prostrated. He says in many municipalities no taxes can be gathered at all. He tells us that many people who have heretofore been accounted wealthy are unable to pay, have no money, and have no credit with which to command money. In other words, direct taxation upon the property in Puerto Rico, about which we have heard so much, is an impossible thing.

We were called upon to provide a civil government. You can not set up governmental machinery and maintain it in operation unless that government have revenue. It was estimated that the revenues essential to the support of this government would be not less than $3,000,000 annually. Where were we to get the $3,000,000 with which to support this government? Gentlemen tell us, "You can get it by taxation." We answer, there is the testimony that was before us, and to raise money for the support of that government by taxation was out of the question. You could not raise it in that way. They did not have it.

Here, then, were a people who were already in a state of bankruptcy practically before the hurricane came on August 8, 1899. By the disastrous effects of that hurricane they were absolutely ruined, and they would have been foreclosed and sold out had not the strong hand of this Government stayed the creditor by saying he should not enforce his claim, first for a year, and later it extended the time for six months additional. Now they will have to extend it again or else almost every plantation and every farm and every home in Puerto Rico will be sold at auction, for the record shows that there is a recorded mortgage debt upon the real property of that little island exceeding $26,000,000.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. If the Senator will allow me a moment, then I will gladly yield to him. It is said we ought to raise this money by direct taxation. Let me suggest what that means. Take the situation as it exists—their impoverished and bankrupt condition, their inability to pay anything. How much do you think the rate of taxation would have to be to raise $3,000,000 for insular purposes, to say nothing about municipal government? The total valuation at the highest figures I recall as having been given amounts to about $150,000,000 for all the property in that island. Generally in the Northern States here I think we assess property for taxation at about two-thirds of its market value. That is called its full, fair value for taxation. A hundred millions of valuation would therefore be the basis on which you would have to raise by direct taxation $3,000,000. That is what the insular government alone needs.

In addition to that we would have to raise, General Davis says at least a million dollars for municipal government. That would mean a tax rate of 4 per cent on every dollar's worth of property belonging to the people of Puerto Rico and situated in that island. When we were called upon to provide revenue, we said, in view of all this, the people of Puerto Rico in their devastated condition can not stand such a burden, and we will not impose it if we can find any way whereby we can exempt them from it and at the same time give them a revenue, and that is how and why we proposed these provisions. Now I will yield to the Senator from South Carolina.

Mr. TILLMAN. I was just thinking that the subject which the Senator from Ohio is discussing is a very important one, and one that vitally interests every Senator who has to vote on this measure. There are so few Senators here that I was going to call attention to the fact that there is no quorum present.

Mr. FORAKER. I will be obliged to the Senator if he will do so.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Foraker,	McBride,	Scott,
Allison,	Frye,	McComas,	Sewell,
Bacon,	Gallinger,	McCumber,	Shoup,
Baker,	Hale,	McMillan,	Spooner,
Bard,	Hanna,	Martin,	Stewart,
Burrows,	Harris,	Nelson,	Sullivan,
Butler,	Hawley,	Perkins,	Teller,
Chandler,	Heitfeld,	Pettus,	Tillman,
Cockrell,	Kean,	Platt, Conn.	Turner,
Daniel,	Kyle,	Platt, N. Y.	Warren,
Davis,	Lindsay,	Pritchard,	Wellington,
Deboe,	Lodge,	Rawlins,	Wetmore.

The PRESIDENT pro tempore. Forty-eight Senators have responded to the roll call. There is a quorum present. The Calendar under Rule VIII is in order.

Mr. FORAKER. Mr. President, I was addressing the Senate, with another occupant in the chair, when the Senator from South Carolina interrupted and raised the question of the presence of a quorum.

The PRESIDENT pro tempore. The Chair was not informed of that fact.

Mr. FORAKER. I am very much obliged to the Senator from South Carolina for making that suggestion, for what I was talking about is a matter that I want all Senators to hear. In view of the fact that there are some Senators in the Chamber now who were not present when I was talking a moment ago, I want briefly to recapitulate before I proceed. I was talking about this bill to provide a civil government for Puerto Rico, and I was talking in answer to the Senator from Alabama [Mr. PETTUS]. I was answering his objection to the bill that we provide a tariff to the amount of 15 per cent of the existing Dingley rates upon products imported from there into the United States and from here into Puerto Rico, a provision with which Senators and the whole country are familiar, and I was pointing out why in this bill we have made the character of provisions in regard to revenue that we have.

In that connection, Mr. President, I had just called attention to the report of Brigadier-General Davis, who for more than a year past has been the military governor of Puerto Rico. I called attention to the fact with which most Senators are familiar, I think, that General Davis is a very trustworthy, reliable, safe man. You can depend upon the statements he makes. He has been on the ground; he is specially familiar with the whole subject; and he tells us in his report of last September to the War Department that the industrial conditions of that island are absolutely prostrated. He tells us that they were in bad condition before the hurricane, and that they are in a worse condition since the hurricane. Coffee, which is the chief product of the island, was almost, as an industry, eliminated, the coffee plantations being destroyed.

Mr. LINDSAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. LINDSAY. If the Senator will yield for a question, I ask him whether Brigadier-General Davis does not, upon that state of facts, recommend that all tariff duties between Puerto Rico and the United States be removed?

Mr. FORAKER. Yes, he does; and I will come to that if the Senator will content himself for a moment. I will speak about it now.

Mr. President, it does not follow because General Davis, while giving us facts that we can all accept, should be followed when he gives us simply his opinion as to what should be done. We are here to legislate not only with Puerto Rico in view, but with the interests of the whole of the United States in view; with the interests of other possessions than Puerto Rico in view, and with our obligations to other possessions of the United States than Puerto Rico in view.

Now, I will tell you why the committee have provided as they have in the matter of revenue; I want to show that it is a good provision and not a bad one, as the Senator from Alabama has seemed to think; that it is in the interest of the Puerto Ricans and not contrary to their interests. It was conceived in mercy to the Puerto Ricans, and it stands in the matter of generosity toward the people for whom we are legislating absolutely without a precedent in all the Territorial legislation of this Government from the beginning of it until now.

What is the condition as General Davis has depicted it? I have asked that it all be printed in the RECORD. Let me state here, therefore, briefly that according to General Davis in many municipalities in Puerto Rico you can not raise a dollar by a direct tax on property. Why? Simply because, as he points out, the property of the island is already burdened with debts that are evidenced by recorded mortgages to the amount of more than $26,000,000, and but for the hand of this Government staying the right of the creditor to foreclose the whole island would have been precipitated into bankruptcy, and all that property would have been sold under foreclosure long ago. To-day the creditor is compelled by the action of this Government to wait. The first order was that he should wait a year. The time has been extended six months additional. It will be extended again, in the hope that some time in the course of human events the Congress of the United States will get done discussing constitutional questions and go to the relief of a starving people.

Mr. President, General Davis shows us that the people are in such a situation that to raise revenue by way of taxation on property is an impossibility. How much revenue would have to be raised in that way? Has any Senator stopped to think? The committee did. It is an easy matter for those who do not stop to think, as the committee who investigated this subject were compelled to think, to criticise this measure. But have you who are in opposition stopped to think that to raise $4,000,000 of revenue, $3,000,000 for the uses of government, the lowest estimate anybody has made, and a million dollars additional for municipalities, would require a rate of taxation not less than 4 per cent?

Are people who to-day can not buy bread to be subjected to that kind of a burden? We are familiar with what direct taxation means in the United States. That is the system we employ throughout the States and Territories to raise revenue for our local government. They are not familiar with the system there. It would take time, in addition to its burdensome feature, to put it into operation and to get a return.

So, it was, Mr. President, when we found the Puerto Ricans in that situation, we stopped to consider whether we could not in mercy toward those people, not in a spirit of illiberality, not lacking generosity, but practicing the most gracious generosity, find some way whereby we could exempt them from this ruinous burden and raise revenues for their government in some other manner that would rest more lightly upon them.

In that endeavor we conceived the notion that we would do for Puerto Rico, and we have undertaken to do by the provisions of this bill, what has never before been done for the people of any Territory in the United States, something nobody thought to do for Louisiana, nobody thought to do for Florida, nobody thought to do for any Western Territory or Southern Territory. Nearly all the States here represented, all except thirteen, have been in a Territorial form of government. Not one of them ever had done for it what we are proposing to do for Puerto Rico. We extend the internal-tax laws of the United States into every Territory, and the people in every Territory are to-day paying the taxes prescribed by that law. But where, when they have been collected, are the taxes taken to? To Washington, to the National Treasury, for the benefit of the whole nation, the whole common country. Never in a single instance has there been other provision than that made.

But, Mr. President, in this instance we say to the people of Puerto Rico when they pay the internal-revenue taxes, paying

precisely, and only precisely, the same as are paid elsewhere in the United States, they shall have every dollar of benefit arising therefrom; that instead of being brought to Washington and put into the National Treasury for the benefit of the National Government, they shall go into the insular treasury for the benefit of the people of Puerto Rico.

That is not all. We have provided in this bill that the tariff laws of the United States shall be extended to Puerto Rico, and that full rates of duty shall be collected on all importations into Puerto Rico from countries other than the United States. Now, that has been the law in the case of every Territory. When Florida and Louisiana and Washington and Oregon were Territories, all goods imported into their ports of entry paid full tariff duties, and the collections so made were brought to Washington and put into the National Treasury for the benefit of the whole country. But in this case we not only say the people of Puerto Rico shall have the internal-revenue taxes, but that they shall also have all these tariff taxes.

Now, Mr. President, we made a careful estimate. I am speaking unexpectedly to-day, and unfortunately I have not with me some papers I should have. Among other papers, I have not the estimate which we made of what would be derived from these sources. I can not now in the absence of that paper give you the details of it, but I remember well the aggregate result from internal-revenue taxation and from import duties upon goods from foreign countries. We estimated that there would be derived, all told, about $2,000,000.

Mr. CHILTON. How much from each source? Do you remember?

Mr. FORAKER. No; I do not remember, but I can give it, I think. It did not give it by countries either; it gave it simply in the aggregate. That is my recollection, but I can show to the Senator from that paper the amount we estimated would come from countries other than the United States, and the amount that would come from the United States.

Mr. CHILTON. But I mean how much from internal revenue and how much from import duties?

Mr. FORAKER. Oh, I think it was about a million four hundred thousand dollars of tariff and about $600,000 of internal revenue. That is my recollection. I reserve the right to correct that if I am in error about it. But the most conservative estimate made as to expenditures necessary to conduct that government for this year, now in progress, would be about $3,000,000. What I have mentioned raised about $2,000,000. Where were we to get the other million?

Mr. LINDSAY. I ask the Senator if he can inform me how much it cost to administer the government of Puerto Rico during the last year of Spanish domination?

Mr. FORAKER. No; I can not recall now, but that is all shown in the reports. I think General Davis gave it in his statement before our committee.

Mr. LINDSAY. I think it amounts to not more than one-third as much as you estimate this year for expenses.

Mr. FORAKER. Yes, sir; I will say to the Senator that it amounted to over $4,000,000. I remember that.

Mr. SPOONER. And it was not a very good government, either.

Mr. FORAKER. It was a miserable government at that.

Mr. GALLINGER. If the Senator will permit me, he will remember that we are providing about a million dollars to build schoolhouses——

Mr. FORAKER. I am just coming to that.

Mr. GALLINGER. And we are providing a million dollars to build some roads for those people, which they never have had.

Mr. FORAKER. The Spaniards exacted from the Puerto Ricans, as I remember it, over $4,000,000 per annum, and they spent it as only Spaniards know how to spend money. They did not spend it for schoolhouses. We have done more for education in that island since we have taken possession, hampered as we have been, than Spain did for education in three centuries of time, so far as inaugurating any general system is concerned.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. Will the Senator tell us how much of that $4,000,000 was sent to Spain as tribute from the island?

Mr. FORAKER. I will gather all that and with pleasure answer any such question; but, as I said a moment ago, I did not expect to speak to-day.

Mr. TILLMAN. I am trying to get information. I did not seek to interrupt the Senator for any other purpose.

Mr. FORAKER. At any time I will be glad to be interrupted. I have no speech to make. I have no oration to deliver. I am here in the discharge of a duty, simply seeking to give to Senators information, and I want to give it in the most direct and most satisfactory way I can. I am glad to have all kinds of questions asked, and I will give the fullest information I can.

Mr. SCOTT. Mr. President——

Mr. FORAKER. I should like to proceed with the argument, but I yield to the Senator from West Virginia.

Mr. SCOTT. I merely rose to ask the Senator if the bill provides for different courts?

Mr. FORAKER. Certainly, it provides for courts. As I have already said (the Senator, I suppose, was out of the Chamber at the time), the bill provides a complete civil government, republican in form. We have an executive, a judicial, and a legislative department, and, according to this estimate of $3,000,000, we estimated in this way $1,000,000 to defray the expenses of that government. That means the executive department, the judicial department, and the legislative department, the management of jails, and the management of almshouses. Then we estimate, upon the recommendation of General Davis, for the expenditure of another million dollars for public improvements.

Why, Mr. President, the General told us and other witnesses the same that in the island of Puerto Rico they have no roads except two or three military roads, one from San Juan to Ponce, and short spurs to that; and that throughout the island, except only as to these roads to which I refer, they have no highways, nothing but bridle paths practically, which they must use in going from the interior out to the seacoast with their products. The prosperity of that island requires, if we are to restore it, that there shall be large expenditures made in the near future, and the best interests of the people require that labor shall be furnished in that way to those who are without it now. We estimate that a million dollars of this $3,000,000 should be expended in that way, for roads, bridges, etc.

The PRESIDENT pro tempore. The Senator from Ohio will suspend one moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. SULLIVAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. SULLIVAN. I should like to ask one question. How can it be for the benefit of the Puerto Ricans to lay a tax upon them, either an internal-revenue tax or this duty upon products shipped there, if the money is to be returned to them, if when returned it is just the amount taken from them less the expense of the collection? How can that benefit them?

Mr. FORAKER. Mr. President, the committee may be in error about it, but I can tell the Senator the view we take of that, and I will tell him, as I proceed, in connection with what I was just about to say. I want to finish what I was saying when I was interrupted before I proceed to that.

We found, Mr. President, that to raise this revenue of $4,000,000 necessary for the insular and municipal governments, $4,000,000 would have to be raised by direct taxation or in some other manner, and that to raise it we would have to levy taxes at the rate of 4 per cent, which meant ruin, bankruptcy, and disaster to all who had property in the island. So we cast about to see if we could not find an easier way to raise it.

Mr. DAVIS. Mr. President——

Mr. FORAKER. In just one moment. We sought to raise it by internal taxes, which is largely an indirect method of taxation, and by the imposition of tariff duties for their benefit, or rather to turn them over to them instead of turning them over to the United States Treasury, which is another indirect and easy way for them to pay them. I was just proceeding to say that we had still a deficiency of at least $1,000,000, and we cast about to determine how that should be raised, and we concluded that we could raise it by imposing a duty of 25 per cent of the Dingley rates upon the commerce between Puerto Rico and the United States. The House bill cut it down to 15 per cent. In my opinion it ought to have remained at 25 per cent. That is very light, not at all a burdensome duty, and the Puerto Ricans did not, except on sentimental grounds, make any complaint against it. They recognized that they could at once have prosperity in that way.

Now, to answer the Senator's question, the advantage to the people of Puerto Rico in raising that million dollars in that way instead of by a direct tax upon their property was that the men who were able to trade back and forth, particularly the people who pay here at the port of New York and other ports of this country, the people who pay in the United States, for that goes and makes up a part of it as well as what is paid in Puerto Rico, are able to pay it as a part of their business transactions, far more so than the people of Puerto Rico who own the property there upon which it would have rested as a burden if it were not raised in this indirect way.

Now, I say we may be in error about that, but it does not seem

to me so, and it did not seem so to the committee. Now I shall be glad to hear the Senator from Minnesota.

Mr. DAVIS. For how many years is this $4,000,000 to be raised?

Mr. FORAKER. The 15 per cent is to continue until the 1st of March, 1902.

Mr. DAVIS. And you estimate $1,000,000 for schools and $1,000,000 for roads?

Mr. FORAKER. Yes.

Mr. DAVIS. Is it necessary to establish all those schools and build all those roads within two years? Why can not the time be properly extended?

Mr. FORAKER. General Davis's testimony and the testimony of others was to the effect that there ought to be at least $1,000,000 expended on each of these accounts for quite a number of years to come. That $1,000,000 would make but very little of the required amount of roads and other public improvements that are needed in that island.

Mr. DAVIS. I should like to ask the Senator——

Mr. HOAR. The Senator from Minnesota is not quite well heard on this side of the Chamber. I think Senators have a right to hear his question.

Mr. DAVIS. I should like to ask the Senator from Ohio this question. He admits that this method of raising revenue and handing it back to a political subdivision, whatever you call it, is unprecedented. It has not been done to Hawaii. It never was done to any Territory. The theory and practice have always been for the General Government itself to pay all of the necessary expenses of the Territory. Why not raise the revenue as to Puerto Rico the same as it is raised everywhere, cover it into the United States Treasury, and, as heretofore, if an appropriation is necessary for schools, for roads, or for administration, or to alleviate distress, do it by means of a direct appropriation? What is the reason, why is it, except in this matter of incidental distress, that this tariff rate, anomalous, unheard of, unprecedented, and temporary in its very conception, shall be applied to Puerto Rico, when the other day, in another place, $2,000,000 was appropriated from the General Treasury that came in under the tariff relations of Puerto Rico with the United States.

Mr. FORAKER. Mr. President, answering the Senator from Minnesota, there has never been an instance that I know of where it has been the practice to collect revenues in a Territory, turn them into the United States Treasury, and then appropriate them out again for the benefit of the Territory, beyond the mere payment of the salaries of the officials appointed by the United States. The United States Government has never undertaken to support a local government in either State or Territory, and would not be allowed to do it if it did make such an effort. The case, therefore, of Puerto Rico is anomalous, without precedent, as the Senator says, but it is without precedent not only as to the legislation which we propose, but as to the conditions that exist there and the requirements of that case. If Puerto Rico is to have schools, if Puerto Rico is to have roads, if Puerto Rico is to have the other improvements that we speak of, Congress must not only authorize the people of Puerto Rico by taxation to raise the needed revenue, but we must authorize a system of taxation that the people of Puerto Rico can conform to and administer successfully.

Mr. DAVIS. Mr. President——

Mr. FORAKER. I say to the Senator from Minnesota that it is an utter impossibility to raise money on the island by the usual method of direct taxation on the property wherewith to conduct a government and pay its expenses.

Mr. DAVIS. Then I say, those things being merely temporary, the proper and regular thing to do is to make appropriations from the general revenues.

Now, another word. It has been proposed, and I think the measure is before this body, to appropriate $2,000,000 to Puerto Rico from the revenues coming to it in the present conditions. I want to know, and I ask the Senator most persuasively if I can, what effect it is going to have on a people of that kind to donate to them, in the first place, $2,000,000, and then let them understand that by a precedent of this character, year after year, they are to receive, in the status of mendicants, as the recipients of alms, revenue collected in this way; that it is to be returned to them? I would rather, if the Senator will allow me, apply to Puerto Rico the system we apply to Alaska and what has been the general uniform practice of the Government from the beginning, not turning revenue into any place to meet a temporary exigency of distress even, but if necessary to make the proper appropriations for such time as may be necessary.

Mr. FORAKER. I am gratified to have the views of the Senator from Minnesota, but let me say, in answer to what the Senator from Minnesota has said, that if we were to apply to Puerto Rico the calm and dispassionate system heretofore pursued, to use his language, by the United States Government, the people of Puerto Rico would be nearly all starved to death before this Government would have done anything for them.

This, Mr. President, is a great emergency. The Senator can not answer what I am saying in support of these provisions by pointing to the appropriation that has been made by the House in the bill pending in the Senate.

Mr. DAVIS. I say make an appropriation, and others from time to time, as may be necessary.

Mr. FORAKER. Yes; and the Senator would vote for it, and other Senators would not vote for it. But the committee conceived it was their duty to the people of Puerto Rico to provide for that people a government and make it self-supporting, and start them on the way of taking care of themselves. I do not believe in appropriating money out of the Treasury for the benefit of people except only in cases of great emergency, and then I am willing to do it; but I am opposed to a system of almsgiving to be continued indefinitely. I think it better to adopt a self-supporting system now.

Now, Mr. President, it is premature to talk about appropriating $2,000,000; but what General Davis says in his report is that they must have at least $10,000,000 to relieve their general condition—$3,000,000 for the government on the accounts I have mentioned, and the other $7,000,000 on other accounts that he specifies and which we have enabled them to raise by authorizing them to provide a system of taxation and to issue bonds in anticipation of revenues from taxation and otherwise.

Mr. President, what I wanted to point out here is that this bill is not unjust and illiberal and ungenerous in its provisions for the Puerto Ricans, as charged by the Senator from Alabama [Mr. PETTUS], but that, on the contrary, it is the very opposite of all that; that we are doing for them what never has been done by this Government for any other Territory since the beginning of the Government; that we are, as the Senator from Minnesota has only emphasized, taking from them only the same internal-revenue taxes we collect elsewhere and then covering all back to them instead of putting those taxes into the National Treasury; taking from them only the same tariff taxes that we are taking from all, and, instead of putting those tariff duties into the National Treasury, turning them all into the treasury of the island of Puerto Rico for their benefit.

Never, Mr. President, in the history of this Government has there been such unexampled generosity and liberality in legislating for the people of any Territory. I say all this in answer to the criticism that this bill is unjust to Puerto Rico. Now, whether it is good policy for us to do this is a matter for the Senate to consider. I have undertaken to show that it is; that it is one of the necessities of the case; that we should be liberal and generous to the extent I have indicated and that this bill provides, and I hope the Senate will agree with us.

Mr. DAVIS. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. DAVIS. Where is the justice of imposing the Dingley Act upon Puerto Rico as to all the rest of the world, and then turning around and imposing upon the same island, the same people, 15 per cent of that act on imports to that island from the United States?

Mr. FORAKER. Well, Mr. President, so far as the first part of the Senator's question is concerned. Where is the justice of imposing upon the people of the United States the Dingley Act——

Mr. DAVIS. My question is not separable.

Mr. FORAKER. Ah, but I will separate it if I see fit.

Mr. DAVIS. You can not.

Mr. FORAKER. I can. The Senator asks me where is the justice of imposing upon them the Dingley Act and then imposing upon the trade with the United States 15 per cent of the Dingley Act additional? I say to him that as to his first proposition I can answer it by saying that his question implies that there is some injustice in imposing the Dingley rates. Certainly the Senator will agree that there is not.

Mr. DAVIS. No——

Mr. FORAKER. He voted for the Dingley bill.

Mr. DAVIS. No; the——

Mr. FORAKER. It was a necessity of our conditions, and under it the country has been brought to a degree of prosperity it has never before realized in all its history.

Mr. DAVIS. No; Mr. President, as old a protectionist as I am, I am not to be put in a false position by the Senator from Ohio.

Mr. FORAKER. The Senator will allow me to say that I do not want to put him in a false position.

Mr. DAVIS. What I want to know is why and where the justice is, the Dingley Act being conceded to be just all round if applied to all the people, of putting upon any political community in this land 15 per cent more?

Mr. FORAKER. Mr. President, the 15 per cent to which the Senator alludes has no connection with the Dingley rates that are put upon importations into Puerto Rico. That is what I have been trying to show to the Senator from Alabama.

Mr. SCOTT. Mr. President——

Mr. FORAKER. I do not want to put any Senator in a false position, and no Senator will be allowed to put me in a false

position if I can help it. I know the Senator from Minnesota does not want to put me in a false position, and I do not mean that for him. I mean I would only do just what he was seeking to do.

Mr. SCOTT. May I ask the Senator from Ohio a question?

Mr. FORAKER. With pleasure.

Mr. SCOTT. Is it not the general report that the products of Puerto Rico are now held by so-called trusts, so that the 15 per cent duty that you are now proposing to levy upon the imports of Puerto Rico into this country would largely fall upon those trusts and not upon the people proper of Puerto Rico?

Mr. FORAKER. That is according to my information; I think that is according to the information of all the members of our committee, and I think that is according to common report. As to what the facts are I have no personal knowledge, but I do understand—and it has been stated over and over again, and it has not been denied, so far as I have heard, by anybody—that practically all the tobacco and all the sugar now ready for export from the island of Puerto Rico is owned by the tobacco and the sugar trusts. So the imposition of the duty of 15 per cent upon sugar and tobacco in the island is not, as it has been charged in the newspapers—and I would not speak of it, I would think it beneath the dignity of the Senate to refer to it, if the Senator had not called my attention to it—is not an imposition on the people of Puerto Rico proper, but an imposition of the tax upon those who own the sugar and tobacco and who must pay, for the benefit of the people of Puerto Rico, to whom we give it back as soon as it has been paid; but I do not put it on that ground.

Mr. BACON. Will the Senator permit an inquiry in that connection?

Mr. FORAKER. Certainly.

Mr. BACON. I understand from the statement of the Senator, which he says is in accord with general information, that the producers in Puerto Rico have already been paid for those products. Am I correct in that?

Mr. FORAKER. I so understand—I do not pretend to have any personal knowledge about it, and the Senator knows as much about it as I do—I understand that the tobacco and the sugar in the island have been bought up by the trusts very largely.

Mr. BACON. If that is the case, and the producers have already received the money for their products, outside of the tornado over there, what causes the great distress in Puerto Rico, if it is not due to the fact that the people can not sell their products?

Mr. FORAKER. It is because the people have been having to live meanwhile. It is not a rich country; their surplus for export is but small for a million people; and they have long ago lived up all the surplus they had. They have been visited not only by a tornado, but by war. Our armies have been marching over their soil and have interrupted their business and vocations and pursuits; and, as a result of it all, they are in a distressed condition, according to General Davis, to whom I have referred. I have not visited the island; but no man questions the truthfulness of the statement that has been made to us, and which I have had printed in the RECORD.

We all do know that no matter how the distress has come about this possession, of which we are justly so proud, because of the character of the people, the location of the island, the ambition of the people, which has been to make themselves agreeable to us and to make themselves an important part of this country—it is known to all of us, I say, that that people are in distress, in poverty, in squalor, hundreds of thousands of them; and if we are to relieve that people, if we are to legislate so as to give them prosperity, no one thing we can do in giving them civil government is so important to them as to exempt their property from all direct taxation, and necessarily, in the absence of the provisions we have supplied to conduct their government, to set into operation a school system and a system of public improvements such as they need.

Mr. HOAR. Mr. President, I should like at some time during the Senator's argument to state a constitutional question which has occurred to me for his answer. I do not know whether it is a convenient time to do so now.

Mr. FORAKER. All seasons are summer when the Senator from Massachusetts has a question to ask.

Mr. HOAR. Very well, Mr. President. I wish to say, if I may be allowed, that whatever may be or has been my opinion, and continues to be, about the desirableness of the Government of the United States governing dependencies not expected to be hereafter a part of the United States, I conceive it my duty as a Senator, when that is done, to help in my humble capacity in every way to have the best thing done for those people and for the United States; and with a desire to have the difficulty solved, if it can be, I put this question to the Senator: The Constitution of the United States prohibits a duty upon exports from any State. I had always supposed that that was the provision which prevented, under the interstate-commerce power, the imposition of taxation upon an export from New York to Ohio, or to New Mexico, or to the Indian Territory, or to the District of Columbia; and whether these new acquisitions are Territories, or are to become States, or are to be dependencies, it is equally a duty upon exports to tax anything shipped from Ohio or New York to Puerto Rico. Now, if that be true, I can not see how it is any the less a duty on exports whether you collect the duty at one end of the route or the other—whether you collect it in a port of the island or collect it in the port of the United States from which it starts. It is collected by the United States, and it is equally a duty on something carried out of a State. I should like to understand what is the answer in the Senator's mind to that proposition.

Mr. FORAKER. Mr. President, my answer to that proposition is the same that has been given a thousand times over and over again, in one form and another, since this debate with respect to the power of Congress to legislate for these dependencies commenced; and that is, that the constitutional prohibition to which he refers has no application whatever to the government of Puerto Rico or to the action of Congress in governing Puerto Rico.

Mr. HOAR. But I am not disputing——

Mr. FORAKER. Mr. President, let me say to the Senator——

Mr. HOAR. I will continue for one minute, if the Senator will allow me. I will concede for the purposes of this discussion what so many gentlemen believe, and I suppose the Senator from Ohio believes, that there is no limit whatever in the Constitution in governing Puerto Rico; but is it not just as much an export from Boston to send the product from there to Puerto Rico, which is not under the Constitution, as it would be to send it to Ohio, which is under the Constitution, or to send it to Great Britain, which is not under the Constitution?

Mr. FORAKER. If the Senator will allow me——

Mr. HOAR. Just one sentence more. That being so, could you, under your claim, tax these things in the port of New York on their way to Puerto Rico; and, if you can not under that constitutional provision, can you tax them at the other end of the route before they get off the ship?

Mr. FORAKER. Mr. President, the persistency with which the Senator presses his contention only illustrates what I intended to say a little bit later in the remarks I have in mind to make at this time. His persistency simply shows, as I was going to say presently—and I will say it now—that this question has passed beyond the law-book stage. In other words, Mr. President, what I mean by that is this——

Mr. HOAR. That is the answer.

Mr. FORAKER. No; it is not the answer. I gave the Senator the answer a moment ago; and the Senator knows that this was not intended as an answer. I say that the persistence of the Senator, and now his repeated persistence here in coming in with an interruption, which is an unjust and unfair one, in the way of comment on what I said—and the Senator will acknowledge it—shows, Mr. President, that with respect to this debate, which has been going on now for two years practically, there are two opposing views. I might stand here and quote from decisions of the Supreme Court of the United States from now until the time when the last Puerto Rican has starved to death without being able to make any impression whatever on the Senator from Massachusetts or other Senators who entertain views in opposition to the views I entertain; and they might quote in the same way and with the same absence of effect as to me.

I believe, Mr. President, that these acquisitions are mere dependencies of the United States, and that Congress has not only an inherent but a constitutional power to legislate, and also power under the treaty to govern these particular acquisitions as Congress may see fit, without regard to any of the restraints or limitations to which the Senator refers, except only qualified as I qualified that remark a few days ago when speaking on this same subject. That is my opinion. Other Senators entertain the opposite opinion.

It is idle to quote law books any longer hour after hour, day after day, and to consume time with such quotations without any effect.

I am referring now to other Senators than myself. [Laughter.] But, Mr. President, what I refer to now is this: We have here a controversy, lines have been drawn with respect to it, and men have taken their positions. It is idle to debate longer. There will never be a settlement of that question except only by the Supreme Court of the United States. When that tribunal speaks all will bow in humble and respectful submission, and until then we will have our respective convictions.

Therefore, I do not propose in this debate to bring here any law books. I simply plant myself on the general proposition and point to the authorities, with which Senators are all familiar, in support of it. There is where I shall stand until the Supreme Court tells me I am in error, if it ever is to so tell me, and I have no idea it ever will. I have confidence in my opinion; and therefore, Mr. President, I rejoice in the fact that the provisions of this bill are of such a character as to make it inevitable that the Supreme Court of the United States will pass upon that question.

Now let me say to the Senator from Minnesota [Mr. DAVIS] and to the Senator from Massachusetts [Mr. HOAR], I do not know

precisely in detail what their views are; I think they know what mine are; but whatever they may be, it is of the highest importance to everybody, to Democrats and Republicans alike, to the whole American people in common, that we know what is the right of this controversy; that we know at the earliest opportunity what is the power of Congress to legislate for these dependencies, and whether or not we can levy what the Senator from Massachusetts calls an export duty, but which, because of the way it is levied, I say is not such a duty within the meaning of the Constitution, and that we may have every other question settled. Therefore I rejoice that we have found a way to raise revenue for the people of that island without burdening them by direct taxation on their property, and at the same time raise questions that will bring all this controversy before the court, where we will ultimately get a settlement of it.

Mr. President, let me dwell here for a moment, as Senators have precipitated this discussion—I spoke briefly about this the other day—let me advert to it again, and say that we can not sit here and intelligently legislate if we do not take a more comprehensive view of the field of legislation than that which comprehends only Puerto Rico. We have got to take into consideration, as I said a while ago, our own conditions at home, and we have got to take into consideration, as bearing upon this general subject of legislation, the Philippines, as well as Puerto Rico.

Puerto Rico and the Philippines came to us by the same instrument. They stand in precisely the same legal relation to this Government, the one as the other does. What we can do or can not do as to the one is true as to the other.

Mr. President, is it true that we can not levy a tariff duty upon goods going into Puerto Rico from the United States? Is it true that we can not impose a tariff duty upon goods coming into the United States from Puerto Rico? If so, we can not find it out too soon. I say it is not true. I say it is within the power of Congress to do it. Other Senators say the reverse. Let us hear what the Supreme Court of the United States will say on the subject; and when the Supreme Court has spoken, then we will know how to legislate, and not until then will we know how to legislate.

Now, consider the importance of that. It was only very recently, within a few weeks, announced, and everywhere accepted as one of the greatest diplomatic triumphs standing to the credit of our Government in recent years, that we had demanded and succeeded in securing an open door in the far East, as to China. But does any man imagine that we can demand and receive at the hands of the other nations and powers of the world an open door as to China, and not in turn be at least asked to give an open door in the Philippines?

What does "an open door" mean? It means, Mr. President, that ships and merchandise of other nations shall go into the ports of the Philippines on precisely the same terms that our ships and merchandise go there. If we can not levy a duty on imports into the Philippines from the United States because, as the Senator from Massachusetts suggests, it would be an export duty, what is the consequence? We will have to go in free of duty; and if we go in free of all duty, the ships and merchandise of every other nation will go in free of all duty.

Mr. LINDSAY. Why?

Mr. FORAKER. I have just said why. I say that an open door means that the ships and merchandise of every other nation shall have exactly the same privileges in the ports of the Philippines, if we have an open door there, as our ships and merchandise have. If we can not levy a duty on the products from this country going into the Philippines; if we are to be told, as the Senator from Massachusetts undertook to tell us a moment ago, that that is an export duty prohibited by the Constitution—if that is the law, and the Supreme Court says so, then we can go in there only free of duty; and if we go in free of duty, Germany and England and France and Austria and every other power in the world will go in with their ships and merchandise free of all duty.

Mr. TILLMAN. Will the Senator allow me?

Mr. FORAKER. If the Senator will wait a moment, I shall be glad to yield to him.

I do not see how there is any escape from that difficulty. If we go into the Philippines free of duty, and they go in free of duty, it is because, as the Senator suggests, the Philippines have become, by this cession to the United States and our acceptance of it, so far an integral part of our country that they are the United States as much as any other Territory we have under the flag; and if they are the United States, and for that reason we can not levy an export duty, and for that reason when the ships and merchandise of other countries get within the ports of the Philippines they are within the ports of the United States, what is the consequence? Why, Mr. President, you can not levy either a protective or a revenue tariff; you may as well dismantle your custom-houses and go out of the business of collecting tariff revenues. There is no escape from it.

I say, therefore, every Senator here—Democrat and Republican alike—should rejoice at the opportunity this bill provides for raising a question that will put at issue our differences upon that point. I take it every Senator wants to reach a right conclusion; I take it that no Senator would think we were safe in answering the demands in the affirmative for an open door in the Philippines until we know certainly what the law is that is to govern in that contingency. Therefore it is, I say, there can be no intelligent legislation for Puerto Rico until we take a commanding view of the whole situation.

Mr. PETTUS. Will the Senator allow me to ask him a question for information?

Mr. FORAKER. Certainly.

Mr. PETTUS. How was it settled that the Philippines should have any open door?

Mr. FORAKER. It has not been settled that they shall have an open door; but I say it has been settled, as I am informed from that source of information which is common to us all, the newspapers, that we have demanded and we have received and been granted an open door in China by the other nations who trade in the East. I say we can not reasonably expect—I can go further and say I know we have no right to expect—that we will not be asked to give an open door in the Philippines; and if we get an open door we can not, without appearing very illiberal, niggardly, and mean, refuse an open door.

Mr. BACON. Will the Senator permit me to ask him, in order that I may have his views, what he understands by an "open door" in China?

Mr. FORAKER. I explained a moment ago.

Mr. BACON. I was unfortunate in not hearing the Senator.

Mr. FORAKER. I took the pains to say that by an "open door" I understand that the same conditions are to exist and control as to the ships and merchandise of all countries that go there. For instance, we are to go into China on the same terms that the ships of other nations go in on; we are all to go in on an equality. If they pay no duty, we do not; and whatever duty they pay we pay. So as to the Philippines—the ships and merchandise of other nations are to be allowed to go in, if there is an open door in the sense I understand it, upon precisely the same terms that our ships and merchandise go in.

Mr. TILLMAN. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. TILLMAN. If the Philippines are an integral part of the United States, or if they are a part of our domain, I presume that the Dingley tariff, or any other tariff we may levy, will obtain there. China, as I understand it, does not belong to anybody yet, except to her own people, although there are spheres of influence and interests claimed by Germany, France, England, Russia, etc. Why is it that we will be under obligations as to a part of our own territory, of our title to which the Senator says he has no doubt, and that we are to be forced to recognize the rights of other people in regard to our own territory and give them concessions in regard to our own territory? And, then, the obligation rests with us, as the Senator seems to think, of being obliged to give them those advantages because we demand that they shall not go in and partition China and take it and divide it up and erect a tariff wall against us.

Mr. FORAKER. I have not said that we are under obligations, except only what you might call a moral obligation arising from the nature of the transaction. We want to trade with the far East. We have reached that point in the development of our resources, in the manufacture of products, in the aggregation of capital, and in the command of skilled labor when we are turning out annually millions in value more than we can consume at home. So we must find a market somewhere in the world. We can not find it in Europe, but it is in the far East. In recognition of that fact, an open door to the markets of China is of the highest importance, for in China and Japan and Oceanica and Australasia they have some six or seven or eight hundred million people possibly, who are just now being introduced to our civilization and who are coming to want our products.

Now, we say to Germany, to France, and to England, who have been making lodgments there and who are in command of the situation, "You shall not shut these doors against us," as it was recently proposed they would. England said it two or three years ago; and I remember when she sailed her ships over to Chemulpo, and stood them off opposite Port Arthur, and issued that proclamation which made the Anglo-Saxon blood start all over the world, in which she said, "These ports of China shall be open to all or open to none."

Following that we have——

Mr. TILLMAN. Mr. President——

Mr. FORAKER. I will yield to the Senator in a moment.

We have, without any such declaration, without any threat, without any menaces, succeeded in obtaining for ourselves what Great Britain was unable to accomplish, although she made that threat; we have been accorded an open door, and it is of the utmost importance to us to consider what may be asked in return, for I say the probabilities are that we shall be asked to give an

open door in the Philippines as soon as the insurrection there is suppressed and we institute a civil government. It is one of the inevitable coming questions, in my judgment. Now, when we are asked—we will not be necessarily required to give it, and we may not give it at all; but after we have so strenuously insisted upon it and received it, it strikes me it will be a little bit embarrassing to withhold it.

Mr. TILLMAN. If the Senator will permit me right there, there is no one more anxious than I am to secure the open door to China, because I would inform the Senator it is a local matter, so to speak, so as to secure a market for the cotton exports of the South, which is our staple; and the exports largely from my State are cotton goods with which England can not compete and no other nation can compete with us. New England can not compete with us, nor can any other section. We, therefore, are as anxious and as solicitous for an open door to China as the Senator can possibly be.

But, Mr. President, the Senator's argument, if it amounts to anything, has reduced itself to this: That he is not certain yet as to whether he wants the Philippines or not. If the Supreme Court shall determine that the Philippine Islands under the treaty are a part of the United States and that the laws and Constitution of the United States will be enforced there, if they go there ex proprio vigore—to use the law phrase which has been dinged into our ears here for the last two years—if we have the Philippines as a part of this country, then he does not know whether he wants the Philippines or not.

Mr. FORAKER. It will be a question always what we shall do as to the Philippines; and I will frankly say to the Senator, if it shall be determined by the Supreme Court, when that question is properly presented, that we can not levy any tax on imports from this country into the Philippines, or on imports from there here, we may have to adopt a very different policy in respect to the Philippines from that which I now anticipate will be adopted.

Mr. TILLMAN. Then what becomes of the contention about philanthropy and the flag and the glory and everything of that kind, and of the humanitarian aspects of the case? [Laughter.]

Mr. FORAKER. There is an easy answer to that, Mr. President. The Senator can not ridicule that idea in this connection. What I referred to in that connection was this: We want it settled not alone that we may know on what kind of conditions we can trade with that people, but we want it settled in order that we may know whether or not we can say to the people of the United States that the labor and the industry of this country shall be protected from what has been charged as the unjust competition of the Malay in the Philippines and the products of Malay cheap labor.

All over the country in the last campaign, Mr. President—to be more specific with respect to that which was in my mind—we were told by those who represented organized labor; we were told by Democrats on the stump, all speaking, no doubt, according to their honest judgment, that by the annexation of the Philippines we had taken a people into the United States against whom and whose systems of labor there was no power in the Congress of the United States under the Constitution to defend and protect the labor and the industry of this country. We answered that there was such power under the Constitution; and we pointed to the judicial decisions of the Supreme Court of the United States to support our contention. But those statements and those authorities are not satisfactory to the Senator from South Carolina and others, and they still insist that they are right in their contention.

I say, Mr. President, I have enough confidence in my proposition, in the proposition upon which we stand in this matter, to have this question submitted to the Supreme Court and passed upon at the earliest possible time. I say not only should that be done, but, in my judgment, it would be nothing short of criminal stupidity in the Congress of the United States not to legislate when there is necessity for it, so as to raise that question and have it settled.

Mr. TILLMAN. Then, Mr. President, if the Senator will permit me, this whole Puerto Rican contention rests upon the theory that if we can stand free trade between Puerto Rico and the United States we would take that island under our sheltering wing and let the eagle brood over it; but we can not do the same thing in Asia.

Mr. FORAKER. It does not raise any such thing. The Senator misunderstands. He would not misrepresent, for he is one of those kind-hearted, good men who are always solicitous to be perfectly fair to everybody. [Laughter.] What I have said, and been at a great deal of pains to say, is that the conditions in Puerto Rico are such as to make it necessary, if we would have the necessary revenue raised in the easiest way possible, to raise it in the way provided by this bill.

Then, in answer to the question propounded to me by the Senator from Massachusetts [Mr. HOAR], I took up the question about which I have now been talking as one of the incidents of this legislation, and I have said that I rejoice in the fact that it will become necessary for the Supreme Court to pass upon that question, and thus put an end to a controversy that is hopeless, so far as the ending of it otherwise is concerned.

Mr. TILLMAN. Will the Senator explain why it was that the President of the United States, who had better sources of information than he did, prior to the assembling of Congress, in his message, gave us to understand that it was our bounden duty to have free trade between the United States and Puerto Rico, and that he himself introduced a bill without any mention of this great exigency, that this was necessary, or that this revenue must be derived to keep people from starving, and that in the House of Representatives there was introduced a free-trade bill, and they only found after Mr. Oxnard, the sugar-trust king, had gone before a committee that there were interests which would be jeopardized if sugar came in free——

Mr. FORAKER. I will have to refer the Senator to my colleague.

Mr. TILLMAN. To whom?

Mr. FORAKER. To my colleague. I do not know. I am not the keeper of the President's opinion. I do not know whether my colleague can answer it or not, but I want to say to the Senator from South Carolina that the President no doubt spoke the sentiment that was in his mind when he made that recommendation, and it is a sentiment which is in the highest degree creditable to him. I was of the same opinion. I wanted free trade with Puerto Rico. I think everybody else here wants free trade with Puerto Rico as soon as it can be safely had. Nowhere in the United States could you find 11 men more thoroughly friendly to the Puerto Ricans and more thoroughly anxious to do for the Puerto Ricans everything in their power than constituted the Committee on Pacific Islands and Puerto Rico.

It was a struggle with us to know how we could show them the most generosity, and, as the Senator from Minnesota has well said, the generosity we have manifested is absolutely without a precedent. In the first draft of the bill I made I did not have quite courage enough to put into it a provision that all the internal-revenue taxes collected in the island should go into the insular treasury; but after we studied and after we figured and after we found how prostrated were their industries, how little could be raised in this and that and the other way, and found it was necessary to resort to every method here provided to get enough revenue to exempt them from direct taxation, then I was willing to agree to it and did. Now, then——

Mr. TILLMAN. In other words——

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I will yield in a moment. I do not know whether or not the President has changed his mind. I know nothing about that; I do not pretend to know; but I have no doubt that the President knows more about it now than he did then. I know I do. I did not know much about the situation there existing, although I had been reading the newspapers; but when we sat as a committee, when witnesses were brought before us, when they told us in detail what the existing situation was, and when we came to know what it was, then we conceived it to be our duty to do what we have done. It may be that the President knows more about it now than when he wrote his message; and if so, and if he shall have changed his mind, that is also to his credit. It is to his credit as a man, his credit as a statesman, his credit as President that he should have made the recommendations when he possessed the knowledge he then had, and equally to his credit, if such be the case, that, having more knowledge, he should change his mind if he thinks that the additional knowledge tends to show that he should.

Mr. TILLMAN. In other words, if the Senator will permit me, he clings to the doctrine that protection to American labor is paramount and supreme, and that he will hold to the horn of that altar without regard to any of this philanthropy of which we have heard so much.

Mr. FORAKER. No, I do not do any such thing; but I do not think there is any higher or any better philanthropy than that which commences at home.

Mr. TILLMAN. I do not believe there is, either.

Mr. FORAKER. I do not think there is any better philanthropy than that which seeks to protect the wage-worker and the capital of this country from unjust competition from abroad. We fear no competition from Puerto Rico; that has nothing to do with it; but in the contingency I have pointed out there may and would come a competition which would be prejudicial; and if we are wise, we will now legislate to prepare the way for protection when that trouble comes.

Mr. TILLMAN. Their sugar comes in direct competition with the sugar of Louisiana and their rice with the rice of South Carolina and their tobacco with the tobacco of the Southern States, which is largely of the same texture and quality. The Senator demands protection for the manufacturing industries of this country. We of the South are opposed to admitting these islands in

the Pacific, because we will come in direct competition with them in the products of agriculture; and unless he shall strain the Constitution to the point where it will no longer be a Constitution for all who will be under the protection of the American flag, but that there will be subjects and citizens, unless there shall be a differentiation and a division and all our old ideas about the consent of the governed and the equality of men are to disappear, the very fundamental principles of American freedom are to be overturned in behalf of this doctrine of destiny, duty, and dollars, we have to face the alternative of considering the Filipinos as American citizens; and if the Supreme Court shall declare they are not, then it will be because the Supreme Court acknowledges no God and no law other than its own will and is determined to adhere to its fealty to the moneyed classes of this country.

Mr. FORAKER. Then, in advance we have a statement from the Senator from South Carolina to the effect that, no matter what the Supreme Court of the United States may decide, he does not propose to abide by it or respect it unless it is in accordance with the views he now entertains.

Mr. TILLMAN. There have been so many decisions from the Supreme Court that I had to swallow, whether I thought they were honest or not, that I expect to be forced to abide by this as we have had to abide by other decisions.

Mr. FORAKER. I can say for myself, and I think I can say for every other Senator in this Chamber or entitled to sit here, that there is for the Supreme Court of the United States and has always been only the supremest respect and the utmost confidence. I believe not only that the Supreme Court ought to settle that question, but I believe also that the Supreme Court will settle it rightly. I believe they ought to settle it before gentlemen of whom the Senator from South Carolina is a type become so excited about it that they can not speak of the decision when made respectfully.

Mr. TILLMAN. Oh, Mr. President, I am not the first man either in the Senate or out of it who has spoken disrespectfully of the Supreme Court. I call the Senator's attention to the fact that when the Dred Scott decision was made by the same august assembly the apostle of liberty, Abraham Lincoln, declared it was wrong.

Mr. FORAKER. Unquestionably.

Mr. TILLMAN. The Republican platform declared it was wrong. It was said that it was a covenant with hell.

Mr. FORAKER. But everybody bowed to the law thus declared until by the arbitrament of arms it was set aside. So I say no matter what this, that, or the other individual may have in the way of an opinion with respect to the Supreme Court, that tribunal and it alone can end this controversy, and we should welcome an opportunity to present the question to it; and because this bill presents that question I am more strongly in favor of it than I would otherwise be, and I think every other Senator is who has confidence in the position he maintains. Senators on the other side generally, I think, will be glad to see it submitted, glad to have the court pass upon it, glad to have the legislative department of the Union instructed as to our relations to the island and as to the course of legislation we can pursue.

But I have been drawn here into a very irregular and a very extended sort of debate. I did not expect, when I arose, to consume anything like this much of the time of the Senate. I wanted, in a very brief way, to make answer to the criticism of the Senator from Alabama, that this bill is illiberal and unjust in its provisions with respect to Puerto Rico. I wanted to show that on the contrary it is the very opposite, and if I have accomplished that, it is all I started out to do at this time. Being in charge of the bill, I will, of course, have an opportunity to answer as to various legal propositions that may be raised as we proceed in the consideration of the measure, and I will have an opportunity to answer every question as it may be presented. I had no thought at this time of making any formal legal argument. I will say that the more I think of it the more I think I will not make any at all; for what is the use?

Mr. BACON rose.

Mr. FORAKER. The Senator from Georgia [Mr. BACON] has his view about it, and he bases it on authorities that he has examined. He is an able lawyer. He reaches an opinion only after examination and consideration. I know he will retain that opinion, no matter what I may say. It is useless for me to bring in the case of American Insurance Company against Canter, in 1 Peters, or Sere *vs.* Pitot, in 6 Cranch, or the Mormon Church Case, in 136 U. S., or any of the many authorities which have been cited and can be cited, and thrash that straw all over again. I intend to rest the whole proposition right here, that, as I said a while ago, we have got beyond the stage where quoting authorities will do any good.

Mr. HOAR. Mr. President, I desire to occupy only a few moments.

Mr. TILLMAN. Will the Senator from Massachusetts allow me just one moment, in order to quote Mr. Lincoln's words regarding the Dred Scott decision?

Mr. HOAR. Certainly.

Mr. TILLMAN. I will read them:

> Judicial decisions have two uses: First, to absolutely determine the case decided, and, secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use, they are called "precedents" and "authorities."
>
> We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of Government. We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it.

Mr. SPOONER. There is no imputation on the honesty of the court.

Mr. HOAR. Mr. President, I understood when the Senator from Ohio began his argument that he not only consented that any Senator who sought light at his blazing torch might ask questions, but that he invited such interruptions, saying he would be very glad to help to remove any doubt that any Senator had in his mind. So I was quite disappointed when I found that the very simple question which I put to the Senator excited so much emotion in his excellent heart——

Mr. FORAKER. The Senator from Massachusetts is not, in my opinion, doing himself justice in making such a remark.

Mr. HOAR. What remark?

Mr. FORAKER. The only thing said that was resented was when the Senator referred to a remark I made after I had passed from an answer to his question. He said, "That is the answer." The Senator knew that was not the answer, and the Senator knew when he said that—he certainly knew it, if he understood what I was saying—that it was not intended as an answer. I had already answered the Senator, and I had given a reason why I did not answer him at greater length.

Mr. HOAR. Perhaps it is better to let the Senator's observation pass. He says that I told him that I thought something was an answer when I knew it was not.

Mr. FORAKER. No; I think the Senator wants always to be fair and just, and therefore I say that I thought that he spoke not in his usual way, but in a way that is not characteristic of him at all. I answered the question of the Senator, and gave a reason why I made it brief. I did not propose to discuss that question, and gave the reason why. That is all that the Senator could expect me to say under such circumstances. Then I proceeded to say, among other things, that we had now passed the point where a discussion of that would do any good, and the Senator seized upon that and said, "That is the answer of the Senator to my question."

Mr. HOAR. I certainly understood that to be the answer of the Senator to my constitutional proposition, that we had passed the law-book stage, from which I supposed that he meant it was not worth while, in dealing with this particular exigency, to trouble ourselves much about the decisions of the court reported in the books. That is what I understood.

Mr. FORAKER. The Senator will recall, when I remind him, that I said, in answer to his question, that my answer was that the provision of the Constitution upon which he relied as a predicate for his question has no application to the case he put, and then I proceeded, after I so answered him, to go on, and I made the remark to which he referred in that connection, and then he seized that, saying that was my answer to his constitutional question.

Mr. HOAR. I asked the Senator this question: Whether in his judgment a provision of the Constitution of the United States, which I did not quote exactly, but which I will now quote exactly—

> No tax or duty shall be laid on articles exported from any State—

Was not just as much violated if you put a tax or duty on the article while in the ship at the end of the voyage as while in the ship at the beginning? The Senator said, it is true, that he did not think the Constitution applied. That does not strike me as an answer to such a question—why it does not have a certain effect. Then he added that it had passed beyond the law-book stage. But, Mr. President, I suppose the lava in either the Senator's bosom or mine is entirely burned out by this time, and I will therefore proceed to discuss that question for a moment.

I can not agree with the Senator from Ohio, profound as is my respect for the Supreme Court of the United States, that it is proper for Senators to vote for measures which they deem unconstitutional in the hope that they will be instructed hereafter by the Supreme Court and set right if they are wrong. I think it was the expectation of the framers of the Constitution when they created the Senate and imposed upon us the oath to support the Constitution of the United States that there would be a Senate composed of constitutional jurists also, and that in the exercise of legislative functions they would act on their judgment, each individual Senator acting for himself, enforcing the Constitution as

he understands it and not under the guardianship or under the tutelage of any man or body of men sitting elsewhere. While I agree that if the Supreme Court of the United States in a proper case shall adjudge that a certain power is not committed to Congress by the Constitution we ought to refrain from exercising that power hereafter, I do not at all agree or admit that the converse of the proposition is true, and that we have a right to exercise powers which we believe are not committed to us because the Supreme Court says we may exercise them.

Mr. FORAKER. Nothing that I said is capable of such a construction as I understood the Senator from Massachusetts to put upon my remarks. I did not say that we should frame a bill for the purpose of raising that question. I simply said, in answer to his question and in discussing the question raised by the Senator, that it so happened that the bill that we bring in does raise that question, and I rejoice in the fact that it does, because that will lead to the settlement of a controversy that can not be settled by debate between the Senator from Massachusetts and myself, but can be settled by the Supreme Court.

Mr. HOAR. I submit that it can not lead to the settlement of a controversy, because if what I just said now be sound and true, questions arising hereafter will be questions for the conscience of each individual Senator whatever the Supreme Court may say.

Mr. FORAKER. Of course, I was referring only to the question of power. The question of policy would remain as it always does.

Mr. HOAR. I am referring to the question of power likewise. I repeat that if it be not within the constitutional power of Congress to hold dependencies and to legislate for them according to our conception of our interests and not according to our conception of theirs, to frame tariffs for them intended for the protection of American manufactures and American produce, perhaps, even against their own—if that policy be unconstitutional and un-American in the opinion of any Senator. I do not see how another judgment of the Supreme Court of the United States to a different effect is to relieve his conscience.

But, further, the Senator appeals to the Senate to pass this bill because of the imperative and pressing conditions of distress and hardship which exist in Puerto Rico. Still he is proposing a measure for their relief which, according to his suggestion, it is at least quite possible and, in the opinion of some Senators, very probable will be held ineffective and inoperative by that high tribunal, and therefore this whole measure must be patched up or renewed or something else provided in its place a year hence when Congress assembles after we get the decision.

Mr. FORAKER. I want to say right here, in answer to that suggestion, that the Senator will remember that I said I had no question in my mind on that point or on any other raised.

Mr. HOAR. I thought the Senator spoke of it as one of the advantages of this bill that we were to get a decision of the Supreme Court on this mooted and, in the minds of some Senators, doubtful question.

Mr. FORAKER. Does not the Senator think that would be an advantage?

Mr. HOAR. I think it would not be an advantage.

Mr. FORAKER. Does not the Senator recognize that it would eliminate about nine-tenths of the debate we have had in this Chamber and in the other during this session of Congress?

Mr. HOAR. I do not see how, if the Supreme Court of the United States should hold that we had that power, any Senator who thinks we had not would be relieved from the burden of his own official oath by the decision.

Mr. FORAKER. In other words, the Senator from Massachusetts would not accept, and deem himself bound in legislating by, the constitutional construction given by the Supreme Court of the United States.

Mr. HOAR. The Senator asks me not to yield for a question or a suggestion or a correction, but for an argument. Perhaps he will prefer to make it after I finish.

Mr. FORAKER. I supposed I might interrupt the Senator to the extent of understanding him; that is all.

Mr. HOAR. Certainly.

Mr. FORAKER. It is a very important statement which the Senator made, and I wanted to make sure that I understood it.

Mr. HOAR. I think the simple thing to do in this matter is to make a provision of a sum of money for the immediate and pressing needs of that people, as suggested, if I understood him, by the Senator from Minnesota [Mr. DAVIS], the chairman of the Committee on Foreign Relations. There is no doubt about that. There is no delay about that. There is no inhumanity about that. There is no necessity of waiting a week if you do that. There is no customs service to be improvised; no officers are to be appointed; no tariff law is to be interpreted or construed; no case made up for the court; no delay in any decision; and I appeal to the honorable Senator who has made this eloquent appeal for the now starving people of Puerto Rico not to keep the bread from their mouths while all these long and tedious processes are to go on, with doubt in the end whether his provision will turn out to be constitutional or not.

I want to repeat the proposition which I put in the form of a question to the honorable Senator from Ohio and which I thought he answered by saying we have got beyond the law-book stage, but which he says he did answer by saying that he did not think the Constitution applied. I want to repeat that proposition.

Mr. FORAKER. I can not give the exact language I employed in my answer, but I went on afterwards to use the expression the Senator refers to as the reason why I did not want to go into any argument about it.

Mr. HOAR. Will the Senator state the substance of that language—the reason why? I will give way for that.

Mr. FORAKER. I stated that the reason was because we had reached the point in regard to that and other questions where discussion only prolonged discussion and did not bring any result.

Mr. HOAR. Very well. I understand now that the answer of the Senator to this constitutional difficulty is that we have reached the point where prolonged discussion does not do any good. Is that it?

Mr. FORAKER. No. The Senator does not understand any such thing. What I said to the Senator when he first interrupted me and what I said to him two or three times in repetition and what I said to him just now and what I say to him again now is that the provision of the Constitution upon which he relies in my judgment has no application to this question.

Mr. HOAR. Why not?

Mr. FORAKER. Because we are legislating for a dependency to which the Constitution does not apply, and for the many reasons that have been assigned over and over again in this Chamber and time and again by myself, and always supported by authority. We are not restrained in so legislating by the provisions of the Constitution.

Mr. HOAR. Very well.

Mr. FORAKER. I am not undertaking to make an argument. I am stating in a brief way why the Senator's proposition does not apply.

Mr. HOAR. The Constitution of the United States provides that no tax or duty shall be levied on any article exported from any State. Now, as I understand, that is the only thing in the Constitution which prohibits the putting of a tax on articles exported from Ohio to New York or to New Mexico or to Arizona. It is not because the Constitution is not in Arizona.

Mr. FORAKER. The Constitution——

Mr. HOAR. I am going to state this proposition consecutively.

Mr. FORAKER. I thought the Senator asked me a question.

Mr. HOAR. The Senator can answer afterwards.

Mr. FORAKER. I thought the Senator asked me a question. I beg pardon.

Mr. HOAR. I did not.

Mr. FORAKER. I thought he was asking if the Constitution had been extended to Arizona.

Mr. HOAR. I did not ask any question whatever of the Senator.

Mr. FORAKER. We sitting here so understood. I beg the Senator's pardon.

Mr. HOAR. Now, Mr. President, you can not put a duty or tax on an article which is exported from a State.

Mr. DAVIS. To any place.

Mr. HOAR. To any place on the face of the earth. The Constitution is not binding in Russia, but you can not put a tax on an article exported from New York to Russia. Whether you send to St. Petersburg and get it on an American ship there, or whether you send an officer with the ship into mid-ocean and do it, or whether you put it on in the port of New York, it is an article exported from New York. As I was saying when I was interrupted, that is the only provision of the Constitution which prevents putting a tax on articles exported from any American State to any other. Under the power to regulate commerce among the States you could tax the lead of Colorado when it arrives at the Massachusetts boundary or on its way there, but it is an article exported from Colorado, and you can not touch it anywhere on the face of the earth. You can not touch it with your tax levied by authority of the United States in Russia or in Constantinople any more than you can in Ohio or New York.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. HOAR. I will yield when I have made my statement and not until then, if the Senator pleases. If that be true, it makes no difference whether Puerto Rico be a dependency, or a Territory, or a district, with certain peculiar provisions like the District of Columbia, or another State in the Union, you can not put your tax or duty upon the article. Does it make the slightest difference, Mr. President, whether you undertake to collect that tax at one end of the route or at the other end of the route or midway of the route? Now, that is the provision, and if it has been answered

five hundred times or once, I have not been so fortunate as to hear the suggestion of the answer.

Mr. FORAKER. If the Senator will allow me, I should like to give him the answer that I understand has been given a thousand times.

Mr. HOAR. Very well; the Senator has said that not a thousand times, but a good many times.

Mr. FORAKER. I supposed the Senator was perfectly familiar when he asked me that question with the answer which has been constantly given and which I think is a sufficient one, that the 15 per cent provided to be paid on goods sent from here into Puerto Rico is paid not for the privilege of exporting, but for the privilege of importing into that island after they have been exported; that is, for taking them into that particular territory, and that it is competent for Congress so to provide. There is no export duty at all.

Mr. HOAR. I never heard that answer before. Let us see whether it is a good one. The Constitution does not say you shall not pay a tax for the privilege of exporting. It says you shall not put a tax or duty on the article exported, and it is just as much a tax or duty on the article exported wherever in the route it is put on.

Now, Mr. President, what is the constitutional reason for this great provision, the justice and propriety of which no man, so far as I know, ever yet questioned? It is that if you put a tax on the products of different States, the States may combine to raise the duty in a way which will make it fall wholly on a few. Suppose we put an export tax on that great necessity to the world, cotton, and make our entire revenue, as we might have done to a very recent period, upon the cotton exported from the Southern States to England, and on tobacco, and on rice exported, the 41 or 42 States that do not raise cotton or tobacco or rice could compel the few States that raise these products to pay the entire cost of this Government if they saw fit, and they would be helpless.

Now, it is proposed to establish in Puerto Rico our Dingley tariff; that is, to have a certain percentage of our Dingley tariff, a tariff established for our benefit alone, in which the people of that island were not at all considered. In that tariff lead has a considerable protection, copper is free for good reasons, and nickel practically, I think, is free. Some one will correct me if I am not right. I was so told just now. Therefore you are giving to the producer of copper the right to send his copper to Puerto Rico free; you are giving to the producer of lead and nickel that privilege only on a most onerous and considerable condition, to wit, paying 25 per cent, if that is the percentage finally agreed on, or 15, whatever it is, of the tariff rate imposed on that as an import in the Dingley Act. Barley paid a little while ago 25 per cent. It pays a larger sum now; I do not remember just at this moment. Rice was up under the Gorman-Wilson Act to nearly 90 per cent ad valorem. Now, that was for the protection of rice, which needed more protection than barley or than wheat. This high duty is for protection, and under this policy of the Senator the product of the United States which in our judgment needs and deserves the most protection is to have the most burden put upon it when it comes to be an export and is carried to Puerto Rico.

Mr. President, this argument is not affected by the consideration that this is a foreign country, or is a dependency, or is not affected by the Constitution. You are, by the power of the United States, placing a burden on an American product of one State unequal to the burden which you put on American products of other States. Whether it is an export to Russia, or to Turkey, or to Puerto Rico, or is carried to New Mexico from the State of Georgia, it is liable to the same objection; it falls under the same constitutional prohibition.

Now, the honorable Senator said something about the open door, and that if we did not give the open door somewhere, we could not get it somewhere. We do not understand that this bill is giving an open door anywhere. If there is any part of that door open, it is shut as tight, so far as the conditions of this bill go, as the power and ingenuity of the honorable Senator can shut it. I conceive that if it were not so, no nation could refuse to give us equal terms with other nations in their own ports on the ground or under the pretext that we did not give her equal terms with us in these new dependencies.

The principle of the most-favored-nation clause, which declares the equality of nations with one another in the ports of third nations, always has been construed to mean equally with the most favored nations under the same conditions. It does not prevent reciprocity treaties, as we have always held and claimed; and it certainly would not prevent our making special terms for ourselves if it were expedient and just so to do in places which were our dependencies, which we had liberated at our cost, and for which we were at the time making large expenditures from our own Treasury. As it seems to me, if the theory be correct of gentlemen who maintain our right to do what we have been doing and propose to continue to do with these possessions, it is utterly idle to say that they are bound by the open-door doctrine or the most-favored-nation doctrine to deal with them precisely in all respects as we deal with other nations with whom we have friendly commercial relations.

Mr. TELLER. Mr. President, I sought the opportunity of asking the Senator from Ohio [Mr. FORAKER] a question, and I did not get it when he closed his speech. I want to know, if I can, the theory upon which the Senator presents this bill. I followed the Senator in his remarks, but I did not find out anything much except that he hoped the Supreme Court would have an opportunity to determine whether this is proper legislation or not. I want to know whether, according to the theory of the Senator from Ohio, if the bill becomes a law as it now stands, Puerto Rico will be a part of the United States or not?

Mr. FORAKER. I said expressly in the course of my remarks that I regard Puerto Rico as a dependency belonging to the United States, and not as a part of the United States in any integral sense.

Mr. TELLER. Is that the position the Senator takes?

Mr. FORAKER. That is the position I take now and have taken all the time.

Mr. TELLER. If that is true, I want to call his attention to what, it seems to me, is the industrious way in which he has gone in to make it a part of the United States, and if possible I wish to have the Senator now or at some other time distinguish to us how Puerto Rico will be different from the Territories we have been legislating for during many years.

Mr. FORAKER rose.

Mr. TELLER. I do not ask the Senator to do it now.

Mr. FORAKER. I think I can do it now.

Mr. TELLER. Well, the Senator may do it now, if he will.

Mr. FORAKER. I think that all the Territories which we have acquired have been, independently of the treaty provisions, mere dependencies belonging, so far as acquisition went, to the United States; but ordinarily in the acquisition of territory heretofore by treaty there has been an express stipulation that the territory and the inhabitants should be incorporated into the Union. In this case there is no such stipulation. Notwithstanding there has been that stipulation heretofore, our Supreme Court, as I read the other day, in 18 Wallace, reading from Mr. Justice Bradley, has uniformly held in effect, according to the language employed by him, that our Territories are mere dependencies of the United States, which the Congress has a right, in the exercise of its power derived from the Constitution, to govern as it may see fit.

Now, when we come to this territory it is much more a dependency than any of the other acquisitions were, because there is no such stipulation in the treaty, but, on the contrary, the stipulation is that Congress shall have power to fix or to determine the civil and political status of the inhabitants. That means not only that we shall have a right to say whether they shall be citizens of the United States in a national sense or not citizens, or whether they shall vote or sit on juries or have jury trials, but it also means that we have power to determine whether or not they shall be subjected to the same kind of taxation that the people of the United States elsewhere are subjected to, or whether they shall be favored in that respect as we have undertaken to favor them here. I think everything of that kind which relates to and affects their civil and political status is authorized by the treaty, which is as much a part of the supreme law of the land as the Constitution itself, and is made so by the Constitution.

Mr. TELLER. Mr. President, I do not myself differ very much with the Senator from Ohio as to the power of the General Government over these new possessions or over the Territories. I think when we took Louisiana we took it with a moral obligation at least to make a State of it; but until we did make a State of it we had the same power that we have over the new possession here. I find no difficulty whatever in managing this affair; but we must manage it, I think, upon either the theory that Puerto Rico is not a part of the United States or that she is. Now, if Puerto Rico is a part of the United States, I should like the Senator to tell me where he gets his authority to treat Puerto Rico as a foreign country.

Mr. FORAKER. I do not treat——

Mr. TELLER. Wait a moment. I will not now go into the question that the Senator from Massachusetts [Mr. HOAR] has just discussed, which has been in my mind all the time; but I should like to know whether there is not an obligation upon the Government to treat the citizens of every part of the country alike, if these people are to be citizens and this is to be a part and parcel of the United States.

Mr. FORAKER. Mr. President, I have before me now the case in 18 Wallace to which I referred a moment ago, and I should like in this connection to read the language I referred to as used by Mr. Justice Bradley in the case of Snow *vs.* The United States, at page 319, 18 Wallace:

> The government of the Territories of the United States belongs, primarily, to Congress, and, secondarily, to such agencies as Congress may establish for that purpose. During the term of their pupilage as Territories they are mere dependencies of the United States.

Then he reiterates that expression further along in the opinion.

Now, if Territories that were acquired under treaties that expressly stipulated that they should be incorporated into the Union as States and the inhabitants of the Territories be admitted to citizenship in due time were dependencies, while in the state of pupilage that they were in as Territories, much more, it seems to me, have we a right to say that Puerto Rico is not a part of the United States within the meaning of the Constitution, but is a dependency of the United States, and, being a dependency of the United States, we have a right to legislate for it as a possession belonging to the United States, but not as a country that is a part of it.

Therefore, I say there is no difficulty to my mind in answering the question the Senator from Massachusetts asked me, which I did not think it necessary to answer beyond the answer I made, but which I will, now that the Senator from Colorado has again referred to it, answer further. The duty which they pay upon goods going into Puerto Rico is not for the privilege of exporting. The exportation has been completed when they pass out of our harbor. But when they go beyond our harbors and are on the high seas they can go to France, or Spain, or South America, or wherever they like, and enter upon such terms as may be prescribed for admission to those ports. If they see fit to go to this province, or colony, or dependency, or whatever you may see fit to call it, that is not the United States, but a possession belonging to it, they may have the privilege of entering there on the payment of this duty which we prescribe. Therefore, I say it is not a privilege for export, but it is purely and solely a privilege they pay for entering the harbor of that possession or dependency of the United States.

Mr. TELLER. I should like to ask the Senator another question, which it seems to me to be perfectly pertinent to what he has been saying. Have we the power now to lay a duty upon goods going into New Mexico?

Mr. FORAKER. No; certainly not.

Mr. TELLER. Or goods coming from New Mexico?

Mr. FORAKER. Certainly not.

Mr. TELLER. Why not?

Mr. FORAKER. Because while New Mexico is still a Territory and within this language a dependency, yet the Constitution has been expressly extended to New Mexico, has been made the rule of action in the Territory as the organic law of that Territory there the same as here.

Mr. TELLER. I will make another illustration that will perhaps suit the Senator better. I believe the Constitution has not been extended over Alaska. What will the Senator say about Alaska?

Mr. FORAKER. I say it is in the power of Congress to do as it may like as to Alaska. Where the Constitution has not been extended and made the rule of action, it is within the power of Congress to say what shall be the regulation without regard to the restraints of the Constitution, except only with respect to those plain, positive negations that I have already referred to.

Mr. TELLER. We have had Territories from the commencement of our constitutional history, and this is the first time we have ever undertaken to distinguish between the people of the Territories and the States with reference to duties, imports, and exports. I do not care to-night to go into any discussion as to the power. I wanted to find out exactly what was the Senator's idea.

Mr. FORAKER. I think I understand the Senator, and I am trying to give him my idea.

Mr. TELLER. Yes; I think I understand it now.

Mr. FORAKER. I am sorry the Senator was not in the Chamber, if he was not, when during the first part of my remarks I spoke of a necessity for this kind of legislation and undertook to show how it was in the interest of the people of Puerto Rico that we were seeking to raise revenues, not by direct taxation on their property, which they could not pay, but by resorting to this indirect method of raising revenue, which they can stand, and which will give them a revenue at once.

Mr. TELLER. I do not care to-night——

Mr. FORAKER. Will the Senator allow me just one word there?

Mr. TELLER. Very well.

Mr. FORAKER. I have not said at any time that the purpose of this bill was to raise the question, but I say I recognize that question is raised, and I am glad it has been raised, for I think there are such irreconcilable differences of opinion among Senators that the question ought to be settled by somebody before we come to legislation where legislation in this regard will be more important.

Mr. TELLER. I have not any question about the power of the United States to treat Puerto Rico as a dependency in the strongest sense of the term, and as a province if you choose, a colony if you choose. I do not think there is any question about our power. We can treat her as a foreign nation if we see fit. We can maintain our sovereignty over her and treat for her internationally, or allow her to have absolute self-government if we choose, the same as Great Britain practically allows to Canada. But I do not myself believe you can make Puerto Rico a part of the United States nor, by the legislation which is here proposed, after it shall have been enacted, to collect a dollar of revenue upon imports which come from that country into this. I do not believe, under any conditions, whether she is a foreign country or whether she is a part of the United States, whether she is a Territory or whether she is a colony, that we can collect a duty on exports which go there, and for the reasons the Senator from Massachusetts [Mr. HOAR] has so well given.

I do not intend to go into any discussion of this subject to-night. The Senator from Ohio [Mr. FORAKER] has announced a doctrine here which I want to dissent from. I think it was a remarkable statement when the Senator from Ohio said, as I thought I understood him, that this legislation was intended to secure from the Supreme Court of the United States a declaration as to what was our power.

Mr. FORAKER. Mr. President, I have disclaimed that there was any such purpose. I have simply said—and I was particular to say it—that I discussed this question in this connection only because the Senator from Massachusetts [Mr. HOAR] asked me the question which precipitated it. I say again, as I have said repeatedly, that while we did not frame the legislation for that purpose, yet I am glad, as one who wants to see the question settled by a tribunal to which we all bow in submission, that the question will be raised.

Mr. TELLER. That is what the Senator said substantially, I think. That is the interpretation I put upon it.

Mr. GALLINGER. If the Senator from Colorado will permit me, I simply desire to say, as a member of the committee which reported the bill, that that question never was raised in the committee during the consideration of the bill.

Mr. FORAKER. And the question never was raised until others raised it.

Mr. TELLER. It is absolutely immaterial what the purpose is. We may get an opinion from the Supreme Court of the United States; but I was educated in a school of politics, Mr. President, which taught me when I took the oath of office at that desk, which I did a good many years ago, and which I have taken several times since, that I took it to do my duty here as I understood it, and not as somebody else should decide for me. I believe that General Jackson laid down the proper rule for the legislative branch of the Government. It is true if the Supreme Court should decide that we have not the right to do a certain thing, we may refrain from doing it, because the power is there to upset what we do; but the Supreme Court of the United States can not release my conscience, and it ought not to release the consciences of men who are engaged in legislation that they do not believe in because the Supreme Court may have said it was constitutional, but, in their judgment, is against the Constitution.

I shall follow and obey the decisions of the Supreme Court and shall refrain, if it be possible, from indulging in legislative measures which the court say we have not a right to enact. But as a legislator the court shall never be allowed to say to me, "You must legislate in a certain way," nor can I acquit my conscience, Mr. President, when I know I ought not to so legislate, because the court has said I might.

Mr. FORAKER. I want to say to the Senator that I agree with him precisely in what he is saying now. I rejoice not that I may be released from any of the conscientious convictions I may have as to what is right or wrong in the legal sense on this proposition, but because we shall then know whether or not it is a vain thing or otherwise to legislate as we may be called upon to do, so that we may have the light and the guidance of the Supreme Court.

Mr. TELLER. I shall never believe, if this bill passes, that I have the constitutional right to vote to impose a tariff duty on those people, for I believe this bill will make Puerto Rico a part of the United States. I shall govern myself not according to what the court may say I have a right to do, but according to what I believe to be right.

But I want to say that all this talk that the imposition of a duty of 15 per cent is an outrage upon those people is not the question we are to address ourselves to, but it is the question of power, of justice, of equity, and of right. It may be that if we collect the tax for and pay it over to them there will be no injury to them, and yet I recollect that the fathers of the Revolution declined to allow Great Britain to collect taxes from us and then turn them over to us. They said that would not be a settlement of the controversy. They said: "So long as you claim the right to tax us without representation, you can not condone that wrong by giving to us the proceeds of your robbery."

Mr. President, I did not rise to make a speech on this question, which I intend to do some time later, but I arose to say a word in reference to the Supreme Court.

All my business life has been spent as a member of the legal profession. I have practically done nothing else than practice law except to hold an office. There is no man living who has greater confidence in courts than I have, although I confess some things have been done within a few years which have shaken my confidence,

as my confidence was shaken, when I was a young lawyer, when the Dred Scott decision was proclaimed. I felt then, as did a great number of lawyers in this country, that the Supreme Court of the United States had gone out of its way to make a ruling which was contrary to the ruling that had been made theretofore, which was contrary to justice and to right, and was in the interests of human servitude and its extension into the Territories of the great Northwest.

Mr. President, I should have been ashamed of myself as a young man if I had not dared to stand up and say that was an unrighteous judgment. I did it from the hour that that decision went to the public, and so did all the leading men of the political party with which I was associated. In this Chamber it was criticised in a manner that would strike terror, I think, into the mind of the Senator from Ohio and into the minds of his political associates, remembering some things which they said during the campaign of 1896 about the Chicago platform.

The Chicago platform was not such a criticism of the Supreme Court as we made of the court in 1860. It was a mild statement. I am going to read it, and then I am going to call your attention to some criticisms which have been made upon the court by men high in public life; and that is about all I shall desire to say this evening. This was the declaration of that platform:

> Until the money question is settled we are opposed to any agitation for further changes in our tariff laws, except such as are necessary to meet the deficit in revenue, caused by the adverse decision of the Supreme Court on the income tax.
>
> But for this decision by the Supreme Court there would be no deficit in the revenue under the law passed by a Democratic Congress in strict pursuance of the uniform decisions of that court for nearly one hundred years, that court having in that decision sustained constitutional objections to its enactment which had previously been overruled by the ablest judges who had ever sat on that bench. We declare that it is the duty of Congress to use all the constitutional power which remains after that decision, or which may come from its reversal by the court as it may hereafter be constituted, so that the burdens of taxation may be equally and impartially laid, to the end that wealth may bear its due proportion of the expenses of the Government.

Mr. President, that was not a condemnation of the court; it was not an indecent criticism of the court; it was not a criticism which might not have been made in the presence of the full bench by any lawyer; and the court could not have complained of such criticism as that. If the time ever comes when any Department of this Government is above the criticism of the public, when the people believe it to be wrong, there will be a very near approach to the end of the Republic. What is the use of talking of free speech, Mr. President, if there is a body which can undo what we do here, and if, then, the people are not allowed to say to them, "You have made a mistake," you are wrong, if the people believe, as we all believed in 1860, that the court or a majority of it was moved by wicked influences. With all the respect I have for courts, I shall continue to criticise them, Mr. President, as I have done heretofore, because I believe that is the way to keep the courts pure and honest.

Mr. FORAKER. Mr. President, I ask the Senator from Colorado if that is not the recognized constitutional right of everybody, especially of a lawyer who practices in a court?

Mr. TELLER. Mr. President, I heard men say from the public stump in 1860, and I heard similar statements in 1896, that a criticism of the Supreme Court was practically treason against the Government of the United States; and that was the platform declaration of the Senator's political party speakers again and again all over the country in 1896, and of the Democratic party in 1860. The Democratic party has improved, and the Republican party, I am afraid, has degenerated.

Mr. FORAKER. I am perfectly familiar with all that the Senator says as to the criticisms that have been indulged in of the Supreme Court and other courts; but I asked him if it was not the constitutional right, so recognized by everybody, of a lawyer to criticise the court when it made a decision he did not agree to, but still if it is not also the recognized rule that everybody submits to the law as expounded by the court and that nobody would be justified in putting it at defiance or disregarding it?

Mr. TELLER. There is nothing in the Democratic platform that intimates resistance to the Supreme Court.

Mr. FORAKER. I did not say there was.

Mr. TELLER. And there was nothing in our platform in 1860 that intimated a resistance to the Supreme Court.

Mr. FORAKER. Certainly there was not. That is what I wanted to call to the attention of the Senator—that however much we may dislike a decision and criticise it, which is our privilege, we bow to it.

Mr. TELLER. The Senator from Ohio is putting a bugbear of his own to distract attention from his position. We are not proposing to disregard the judgment of the court.

Mr. FORAKER. Well, what is the bugbear, if we may know? I ask the Senator if, while we have the right of criticism, yet we do not recognize that it is our duty to obey, to accept, and to abide by a decision so long as it does stand as the decision of the court? That is a polite question.

Mr. TELLER. If the Senator wants to intrude that now upon the suggestion that I want to disobey the Supreme Court, I want to say to him very frankly that it is very far fetched and that he has gone out of his way to do it.

Mr. FORAKER. I have not any such thought as that. Of course the Senator would not. That is all I was saying. I was not saying that nobody would criticise an opinion of the court, but I say we must abide by and be governed by the decision when it is rendered.

Mr. TELLER. I made speeches, as I said, in 1860, and was called to task for my criticism of the court by the then opposition. All at once they have become very fond of the court, a court which the Democratic party had criticised in early days; and no man ever criticised the court more severely than did Jefferson and his compeers, who were then called Republicans; and General Jackson afterwards criticised the court; but I was never called more severely to task for criticism of the court than I was in 1896 by Republican orators and Republican speakers and Republican newspapers, and yet I did not propose to disregard its judgment.

Mr. President, I criticised the decision of the Supreme Court on the income tax, and I criticise it now and here. It was a reversal of the decision of that court which has stood for more than one hundred years; it was a reversal of five cases which established the principle of an income tax, in every one of which there had been a united court; it was a reversal of a decision made in 1880, which Mr. Justice Harlan said had received the careful attention of the nine members of the court and the approval of all; it was a reversal which, I say, astonished the legal profession of this country; it was a decision that struck a blow at the power of the Government as no other decision has ever done, denying to the Government of the United States the right to make the wealth of this country respond to its necessities in time of trouble.

Mr. President, if I can not criticise that opinion, and if I can not denounce it as unsound law, then I am no longer a freeman. Every man who has any legal education knows that the adjudication of cases on principles which have stood for one hundred years is entitled to respect and consideration, and is only to be disturbed when a case is so clear and so strong that a contrary decision can not be escaped.

That decision, Mr. President, has, in my opinion, marked a very unfortunate period in the history of the Federal judiciary. If some things which I see are being tried to be done shall be brought about, I believe that in a little while the great respect and confidence the people have in the courts will be taken away.

But I want to call the attention of the Senate for just a moment to the position of the Republican party in its youth upon this question. The Senator from South Carolina [Mr. TILLMAN] read—I was engaged at the moment and was not paying attention, but it is probably the same thing that I am going to read now—a statement made by Mr. Lincoln. There is considerable more of it than I shall now read, which it is not necessary that I should read at this time. This was said when he was making a public speech:

> What are the uses of decisions of courts? They have two uses. As rules of property, they have two uses. First, they decide upon the question before the court. They decide in this case that Dred Scott is a slave. Nobody resists that. Not only that, but they say to everybody else that persons standing just as Dred Scott stands are as he is—that is, they say that when a question comes up upon another person it will be so decided again, unless the court decides in another way, unless the court overrules its decision. Well, we mean to do what we can to have the court decide the other way. That is one thing we mean to try to do.

That is as much as the Democratic platform of 1896 said. Yes, that is more than the platform contained. I want to call the attention of some of my Republican friends to what has been the attitude upon this question of constitutional extension into the Territories by the Republican party as a party, and then I will quote some remarks made in the House of Representatives. I have some other extracts, but I have them not here at present.

In 1856 the Republican convention declared:

> *Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery.

In 1860 the Republican platform contained this declaration:

> That the new dogma, that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subversive of the peace and harmony of the country.

That is all I want to say upon that subject. There was in the House of Representatives in 1860 a gentleman by the name of Ashley, of Ohio.

Mr. HOAR. I wish to ask the Senator, does the resolution which he has read to his mind contain an affirmation that the Constitution is not in the Territories for any purpose, or only that it does not carry slavery there?

Mr. TELLER. I think, as I said the other day, that we contended it was not in the Territories; but Calhoun first enunciated that doctrine in the Senate in 1849. That, I understand, is the history of it.

Mr. HOAR. But my question relates to that particular resolution.

Mr. TELLER. I hope the Senator will wait a minute, and I will get to that.

I think that while we held that the Constitution was not of its own force in the Territories, there was a universal feeling, a universal expression, a universal sentiment, that the great fundamental principles which were enunciated in the Constitution, without reference to whether the Constitution went to the Territories or not, were in force because they must be in force wherever free government exists. That is the ground upon which we put it, and not that it went there by its own force. But I do not care about going into a general debate on that subject now.

Mr. President, I had prepared, but can not put my hand upon it, because I did not expect this debate to come up just in this shape, some other extracts from speeches; but this I find in my desk, and I will read it.

Mr. Ashley, of Ohio, commonly called Jim Ashley in those days, was a very prominent Republican member of Congress, a man of ability and high character, who lived until within a very recent period. On May 29, 1860, he said in the House of Representatives:

I propose, Mr. Chairman, to show the House and the country how one department of the Government has been taken possession of by this privileged class—I mean the Supreme Judiciary. I propose to show that, while they have been preaching concessions and compromises to us—

He was not speaking about the court, but he was speaking about members of this body and the other, the leaders of the Democratic party in Congress at that time—

they have for years been secretly and cautiously at work to obtain complete control of this important as well as most dangerous department of the Federal Government. That this department of the Government is dangerous I think the history of its usurpations since its organization will show.

That would be a pretty severe statement in these days, I suppose, and yet that was regarded as perfectly proper in the House of Representatives in 1860. It is absolutely proper now, if any speaker should so think. I am not quoting all of Mr. Ashley's speech, but only a portion of it. He further said:

In compliance with this demand, we find the party to-day which for years so vehemently denounced the usurpations of this court and opposed and disregarded its decisions have come to regard it, if the declaration of their Presidents and representatives and party conventions are to be credited, as the most "august tribunal" in the world—a tribunal whose opinions are infallible, from whose judgment there is no appeal, and before whose decisions and political decrees citizens and parties, and even sovereign States, are required to bow. On failure to acquiesce in this claim of prerogative the representatives of sovereign States are denounced on this floor by the leaders of this privileged class as traitors to the Government and as perjurers who have sworn to support a Constitution they intend to violate.

And here let me ask what there is in this tribunal, composed as it is of but nine men, that should entitle it, as a political authority, to the veneration and unquestioned obedience claimed for it by the present Administration party, any more than to the same number of Senators and Representatives that might with ease be selected as gentlemen possessing at least equal, if not superior, legal and natural abilities? Is there anything in the character of these judges, in their services to the country, in their learning or qualifications as lawyers, that should entitle them to the appellation of an "august tribunal?" Is it not a fact, well known to everyone, that so far from this court being composed of men of superior abilities, or the ablest lawyers in the country, a majority of them were partisans and selected because of their partisanship when placed upon the bench?

That is pretty plain talk, Mr. President. That was good Republican doctrine in 1860, when it was thought proper to criticise the court. Principles are said to be immortal. If that declaration was right then, it is right now. The party whose members made such utterances may have changed, and it may be to their interest to give to this court a character that never was given to it before when its decisions happened to turn in their direction and in their interest.

I have some extracts from a speech made by Senator Roscoe Conkling, of New York, when he was a member of the House of Representatives, on April 17, 1860. I need not say anything about ex-Senator Conkling, who is now dead. I need not say anything of his ability, his high character, or his sense of honor when it came to treating subjects like this. There are many Senators here who served with him and who know quite as much about him as I do. He said:

Why, sir, the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of judges; it amounts to a running power of amendment.

If the Constitution as the court now expounds it is the Constitution we as legislators are sworn to support, our allegiance in the year of grace 1860 is due to an instrument very different from that which guided those who have gone before us.

For a hundred years the members of this body were supported by the decisions of the Supreme Court that an income tax was a constitutional tax.

But without allowing myself to dwell upon the enormity of such a power, let me speak of the anomaly of its existence.

The Federal polity of this country is nothing more than three agencies—the legislative, the executive, and the judicial—all alike constituted by the people to do particular acts.

However disguised by titles or deified by ascriptions, these several departments are mere agents of one principal, servants of one master, acting and being under one appointment, namely, the Constitution of the United States.

Now, by what dislocation of the settled notions of centuries should one of the three agents, coeval and identical in origin, be suffered to determine for himself as against all the world, not merely his own powers, but the rights and powers of his coagents, the construction and effect of the common warrant, and the powers, remedies, and rights of the common principal, and this without escape and without appeal? Bear in mind, in the case I am putting, the principal is the jealous people I have described; the powers flung away are the same just rescued from eternal loss by martyrdom and war.

But, sir, this one overmastering agent is a more marvelous creation than I have stated. Its appointment is perpetual, and was executed in blank; the principal not knowing whose name might fill it at first, nor who would succeed when changes should occur. The other two of these three agents are selected directly and solely by their authorized power, and they yield up their trusts finally at frequent intervals. But notwithstanding this, the uncounted and unlimited powers were all, we are told, given to the one whose appointment is irrevocable and whose personality the principal can never know.

First. That the judgments of the Supreme Court are binding only upon inferior courts, and parties litigant. Undoubtedly, when a constitutional question is decided, so long as the court adheres to the decision, acts of Congress repugnant to the principle laid down, will be inoperative just so far, in the language of Mr. Van Buren, as "they depend upon the courts for their execution," and no further.

Second. That the decisions of the Supreme Court are not obligatory upon Congress in any sense, but, like other arguments, are addressed to the discretion of Congress. Being the solemn acts of one department of the Government, they are entitled to great consideration from the other departments, and ought not, on frivolous grounds, to be repudiated. But whenever a decision is, in the judgment of Congress, subversive of the rights and liberties of the people, or is otherwise hurtfully erroneous, it is not only the right but the solemn duty of Congress persistently to disregard it.

Now, sir, hear what General Jackson proclaimed in a public message on the 10th day of January, 1832, a few months before his reelection to the Presidency—

This is pretty good reading, Mr. President, and I believe it is pretty good law—

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is for the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and on that point the President is independent of both.

From some things that have occurred recently it would appear to me that the President may be independent of both. Certainly Congress is not independent of the President.

The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

In 1810 Mr. Jefferson wrote Mr. Gallatin—

I call the attention of Senators to this quotation from this strict constructionist of the Constitution, this father of the most important political enunciation ever made in the history of the human race.

At length, then, we have a chance of getting a Republican majority in the supreme judiciary.

This is what Mr. Conkling says:

In 1860, sir, we have a chance to go and do likewise, and I trust we shall improve it. A reorganization and reinvigoration of the court, with just regard to commercial and political considerations, is one of the auspicious promises of Republican ascendency.

I rose, as I said, to enter my protest against any legislation here looking to securing a decision from the Supreme Court of the United States of our power to legislate. I do not care what the Supreme Court decides until they do decide. When they decide, if their arguments and reasons are good enough to persuade my mind, then I give my adhesion to that as a proper construction of the Constitution. If they are not, I do not, always remembering that it is useless to legislate here, although every member of the body might believe we had the right so to do, if the court will adhere to its former decision declaring that the act is unconstitutional.

Mr. President, the decision does not make it unconstitutional. It may be obligatory upon us to accept it in legislating. I do not suppose that in all this broad land there was a man who believed the income tax was constitutional who changed his mind when the Supreme Court by a bare majority of one said it was unconstitutional. The Senator from Missouri [Mr. VEST] once detailed to us how the decision was made. The Supreme Court on the 8th day of April voted that the income tax was a constitutional tax. That, according to this new doctrine, was to bind the mind of the legislative body. On the 20th day of May following the Supreme Court held that it was an unconstitutional tax. Did that release me, who believed that it was a constitutional tax? Did that release anybody who believed that it was a constitutional tax? Is any Senator required to surrender his judgment?

Who knows but that the next time the court is heard upon this question it will return to the old doctrine that had been promulgated for more than a hundred years, by a decision rendered, when out of the five members of the court three had been members of

the Constitutional Convention. There is infinitely more reason to suppose that the income-tax decision will be reversed than there is that it will be maintained; and I assert here that it is the right of every man who does not believe that is the law to question it, to criticise it, and to complain of it, and it is his duty under his oath to do it, and he is recreant to the great duty he owes as a representative here if he believes that if he shall keep silent and admit by his silence that he believes that which he does not believe.

Mr. BACON. Mr. President, I intended to ask the Senator from Ohio a question while he was on the floor. I shall occupy a very short time in stating the subject relative to which I intended to make an inquiry. I do not desire to prolong the discussion, but the matter is one which I think might well appear in connection with this afternoon's debate. The Senator from Ohio states that this legislation with reference to the imposition of a tariff duty upon articles going from the United States to Puerto Rico and coming from Puerto Rico to any other part of the United States, as we conceive it, is based upon the proposition that Puerto Rico is not a part of the United States. I understand that to be the proposition?

Mr. FORAKER. Not in the sense that a State of the Union is. I say it is part of the United States in the sense that it is part of our possessions. It is a dependency.

Mr. BACON. Exactly.

Mr. FORAKER. And a dependency to which we have not extended the Constitution and to which it does not extend ex proprio vigore.

Mr. BACON. It is a possession.

Mr. FORAKER. Yes, sir.

Mr. BACON. And not a part of the United States over which the Constitution and laws of the United States extend except so far as they have been specifically extended by act of Congress.

That necessarily involves the additional proposition that no inhabitant of Puerto Rico is a citizen of the United States. Necessarily that must follow.

Mr. FORAKER. Will the Senator repeat that proposition? My attention was diverted for just a moment.

Mr. BACON. I say that a necessary conclusion from that proposition is that no inhabitant of Puerto Rico is a citizen of the United States.

Mr. FORAKER. Do you ask the question?

Mr. BACON. Am I correct in that?

Mr. FORAKER. Not unless we see fit to make them such.

Mr. BACON. You do not make them so by any legislation?

Mr. FORAKER. We propose to do so by this bill—in a national sense.

Mr. BACON. This bill?

Mr. FORAKER. This bill provides that the native inhabitants of that island shall be citizens of the United States.

Mr. BACON. Then the additional proposition follows that——

Mr. FORAKER. Let me explain to the Senator that a few days ago in the debate here I dwelt upon that and pointed out upon authority that that term is used in an international, a national, and a State sense. This fixes their status, and being citizens of the United States means they have the right to look to us for protection; they owe us allegiance; they can apply for a passport if they want to travel abroad.

Mr. BACON. They owe us allegiance, but have none of the rights of citizens of the United States. In other words, the Constitution of the United States is not spread over them. I understand that to be the proposition.

But what I want to call the attention of the Senate to is this: It is impossible for me to conceive of a citizen of the United States who is not under the Constitution of the United States. He may be a subject of the United States, if such a thing can constitutionally be; but when I say citizen, I mean one enjoying the right of citizenship under our Constitution and laws. I understand from the position of the Senator that that necessarily follows. If the Constitution and laws of the United States do not extend over Puerto Rico, no inhabitant of Puerto Rico is under the protection of the Constitution and laws of the United States except so far as they are specifically extended to them by act of Congress.

Mr. FORAKER. And we do extend specifically all the laws of the United States not locally inapplicable. But let me say to the Senator from Georgia that in making them citizens, although the Constitution is not extended, we are doing simply what was done with respect to Louisiana and Florida and all of our other Territorial possessions. We never extended the Constitution to any Territory until 1850, when it was extended to New Mexico, and yet in all the Territories we were then governing the people were treated and regarded as citizens of the United States.

Mr. BACON. But citizens not under the Constitution.

Mr. FORAKER. They are citizens governed by Congress——

Mr. BACON. Exactly.

Mr. FORAKER. As Congress may see fit to govern, under its power derived from the Constitution.

Mr. BACON. Citizens not under the Constitution. What I want to call the attention of the Senate to is this: In this bill there is a provision under which Puerto Rico will elect a Delegate to Congress. I will read the section.

SEC. 37. That the qualified voters of Puerto Rico shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to a vote, in that body, on the certificate of election of the governor of Puerto Rico, who shall have the same rights provided by law for a Territorial Delegate and the same compensation payable as now provided by law for a Territorial Delegate.

I am one of those who believe that whenever we legislate for territory which we may acquire, necessarily we must legislate under the Constitution of the United States, and that by the act of organizing a civil government under the United States Government we necessarily extend the Constitution over them by that act, or rather that whenever we legislate for that territory that the Constitution ex proprio vigore is extended whenever we, by such legislation, organize civil government; and whenever we depart from that proposition we at once enter upon a field of difficulty.

Here is an illustration of it in this bill. It is absolutely provided that in a portion of the territory subject to the jurisdiction of the United States there shall be a body of people, not citizens in the sense that we are citizens, a body of people not entitled to the protection of the Constitution, a body of people whose country is not entitled to the enjoyment of any of the prohibitions of the Constitution with respect to the equality of tariff laws, for instance, and yet a people who thus, without the right of citizenship in its proper sense, can select one who equally with themselves does not enjoy the right of citizenship, and yet who is to come and occupy a seat in Congress, perform all the duties of a member of Congress except the right to vote, and enjoy all the emoluments of a member of Congress.

Not only so, but absolutely before he can take his seat, although he is not under the Constitution of the United States and not a citizen of the United States, he is required to take an oath to support the Constitution of the United States. That is a fact. Every Territorial Delegate has to take an oath to support the Constitution of the United States, and there will sit in the House of Representatives a man not enjoying any of the rights and prerogatives of a citizen under the Constitution of the United States, having none of the protection given to a citizen by the Constitution of the United States, and yet sitting with the constitutional lawmakers of the country, drawing pay equally with them, and entitled to all of the privileges and emoluments of one of them, and absolutely compelled to swear to support the Constitution under which he is not entitled to any protection, owing it neither duty nor obligation, nor under it enjoying any privilege.

Mr. TILLMAN. Will the Senator from Ohio tell us whether each native voter will have to take the same oath?

Mr. FORAKER. There is not anything new in all that the Senator from Georgia has said, impressively as he has said it. When we legislated for the Orleans Territory and later for Louisiana Territory and later for Florida Territory and later for Missouri, and when we legislated for Mississippi and Alabama and Arkansas, we declined to extend the Constitution to those Territories, and yet we required every officer appointed by the President to administer the law of Congress in those Territories to take an oath to support the Constitution of the United States, and every citizen of those Territories was treated and regarded and held under the law to be a citizen of the United States, although not living within territory over which the Constitution extended ex proprio vigore or by act of Congress, for at that time the doctrine that the Constitution extends itself by its own inherent operation had not been heard of in the politics of this country, and it never was heard of until 1850, when we came to legislate for New Mexico, or, rather, in the debate immediately preceding, when it was advanced for the first time by John C. Calhoun in the interest of human slavery. It was then first brought forward, and Thomas H. Benton, of Missouri, characterized it, in language which I read to the Senate a few days ago, as the vagary of a diseased mind.

Mr. President, therefore I say, in answer to the Senator's question, that when he points out that we make the people of Puerto Rico citizens of the United States, it does not follow, any more than it did in the cases to which I have referred, that the citizens were without any privileges or immunities that they ought to have, for in all the legislation applicable to them Congress legislated, restrained, as I have always contended and as I believe, by those positive prohibitions and negations of the Constitution which will inure to their benefit whether the Constitution be extended or not, simply because we are restrained by the Constitution; but above all, whether there is any restraint imposed upon us by the terms of the Constitution, we are restrained by that higher law of the

spirit of our institutions which has been referred to time and again in Supreme Court decisions, and notably so in the Mormon Church cases, by Mr. Justice Bradley, and time and again repeated since then. We take away no immunity, no privilege, no right that belongs to the individual in the personal sense that affects him as to his liberty or those privileges and immunities that belong to him.

Mr. BACON. It is not a question whether or not we take it away. It is a question whether he has it as a matter of right or simply enjoys it from us as a matter of gift or grace.

I will not enter into the question suggested by the Senator as to the doctrine which he said was first enunciated in 1849 with respect to the effect and power of the Constitution in the Territories. I think, however, it can be very plainly shown that the contention of those of whom he speaks was not as to whether the Constitution was in force in the Territories, but, as suggested by the senior Senator from Massachusetts [Mr. HOAR], whether a particular construction of the Constitution carried with it and protected the right of slave property in the Territories. That was the question. I am not going into that.

The Senator from Ohio says that in the various Territories which were organized every officer who was appointed by the President of the United States in those Territories was required to take an oath to support the Constitution of the United States. Clearly so. Because he was appointed by the President.

Mr. FORAKER. Mr. President——

Mr. BACON. I hope the Senator will let me proceed for a little while.

Mr. FORAKER. Why should not the officers of Puerto Rico be so required?

Mr. BACON. Because they are not appointed by the Government of the United States. They are officers who are elected by the votes of the people and who are to hold their commissions by virtue of the fact that they received the votes of the people, and the Delegate is to come here and take his seat in the other House of Congress——

Mr. FORAKER. It was the same as to every Delegate elected from the Territories to which I have referred. Every Delegate who was elected and who came and took his seat, but did not have a vote, was required before he could take his seat to take an oath to support the Constitution of the United States, and yet he was elected by people who were not under the Constitution.

Mr. BACON. I do not think the Senator can show in the case of any one of those Territories that there was the explicit statement or contention which the Senator makes here that that Territory was not a part of the United States, not under the Constitution. The avowal is that Puerto Rico is not a part of the United States, and it is claimed that we have the same right to legislate in reference to it that we would have if there were no such possible connection of a Territory with the United States as we have heretofore understood it, but as an entirely separate and independent country held by us as a chattel, to be done with by us as we please.

There has never been any such contention so far as our past history has been concerned. It has related entirely to territory which it was expected to be thereafter incorporated as a part of our political system; but there is in this bill an express provision for the levying and collection of impost duties which must confessedly be in conflict with the Constitution if it is a part of the United States; and the justification and defense for that provision is that this is not a part of the United States; that it is outside of the United States. And in the same bill it is provided that a foreign country, not under the Constitution of the United States, its citizens not under the Constitution, except so far as we may extend it by direct act of Congress, may nevertheless elect a Delegate to sit in Congress, and before he takes his seat qualify himself by taking an oath to support the Constitution of the United States in which those who advocate this bill say he has no part.

Mr. President, I do not design to pursue the question now, but I thought in connection with the debate which has been continued to-day upon this subject it was proper that there should be this particular mention of the inconsistency which necessarily follows whenever we assume to legislate and organize a civil government under the jurisdiction of the United States and at the same time insist that the Constitution of the United States and the laws applicable to that particular territory do not go ex proprio vigore; but that it is necessary for us by express act to extend the Constitution, and that unless we do it by express act given as a matter of grace, the Constitution has then there no validity and no authority.

Mr. MCCUMBER. Mr. President, I do not rise at this time for the purpose of making any extended speech upon this question, but merely to ask the Senator from Ohio a simple question relative to the construction of that portion of our Constitution which is now under discussion, namely:

No tax or duty shall be laid on articles exported from any State.

To make my question clear, I desire to make this supposition: Suppose I have a shipload of grain to be exported from the port of New York or from any other port in the United States destined to Puerto Rico. The Senator, as I understand, will admit that we can not lay an export duty direct upon any of the articles in the shipload. Now, what I desire to ask him is this: At what time can we place a duty upon any of such articles? Admitting that we can not place an export duty upon them in the port of New York or New Orleans, that we can not reach them in mid-ocean at any place, will it be contended that we can, by the method adopted in this bill, apply our laws to them so that it will in effect be an export duty at the time they reach the port in Puerto Rico?

I think the Senator will agree with me that if the same goods were going to Great Britain the moment they reached her ports they would be subject to her jurisdiction. Why? Because she is a foreign power, and our laws will not reach beyond the limits of our own jurisdiction. Admitting that to be the case, then I ask when and where do we get the power to apply a duty upon anything that shall be exported from the United States to Puerto Rico? What law is it that governs? We say that we can not levy this export duty in New York, or at any other place in the United States; but whose law is it that imposes the duty, whether it is in Puerto Rico or whether it is in the United States? It is not Puerto Rican law that levies the duty in her ports. The very law that makes the duty is a law of the Government of the United States. It reaches across the ocean and it lays its hand upon the cargo in another jurisdiction, in another port. Therefore it is the same law against which this inhibition is provided in the Constitution itself. Is not that true?

We must do one of two things, it seems to me, Mr. President; either consider these new possessions, so far as the application of our revenue laws is concerned, as one of our own dependencies, over which the Constitution of itself acts, or we must consider it in the nature of a foreign country. If we consider it in the latter position, which I contend for so far as the application of the principle of our revenue laws is concerned, then we must admit that the Constitution has no application. I believe that is the law. I do not believe that the Constitution of the United States has any application over any of this acquired territory without the express language of our own laws by an enactment to that effect. But conceding that to be the case, then I say is not this in effect and absolutely the levying of an export duty by our law reaching beyond our own ports and seeking to levy it in the ports of one of our own dependencies? If that is true, is it necessary for us to go to the Supreme Court of the United States to determine a question which it seems to me is as clear as any legal proposition that could be placed before us?

Upon the other proposition, of our right to levy a duty upon articles imported from Puerto Rico to the United States, my mind is clear. I will admit that power. I will admit the power of protection against any of the imported articles from any country, whether it be a foreign country or one of our newly acquired possessions; but it seems to me that I am compelled, not only by the Constitution, but by our reasoning powers, to claim that there could not be, in the very nature of things, a duty imposed upon articles in the port of New York, in midocean, or at any other point prior to their reaching their final destination, or at the point of destination, when the law itself is a law of Congress which makes the duty and which is clearly and expressly prohibited by our Constitution. I desire the Senator from Ohio to indicate to me what is the difference between the power exercised upon those particular articles in our own ports and the same law, not a different law, but the same identical law, operating upon them at the other end of the route.

Mr. FORAKER. That is the question upon which the Senator from Massachusetts and I had a colloquy a few moments ago. I can only repeat now, in answer to the inquiry of the Senator from North Dakota, what I then said to the Senator from Massachusetts. I understand that Puerto Rico is a dependency of the United States not different in any sense whatever from any other territory that the United States may acquire, or ever has acquired, except as the treaty of acquisition may have made a difference in the first instance, and the express extension of the Constitution in the second instance may have made a difference.

I understand that when we acquired the Territory of Louisiana and Florida and New Mexico and other territory it was stipulated that that territory should be incorporated into the Union in due time, and the inhabitants should be incorporated into the Union. I understand that notwithstanding that fact the Supreme Court has over and over again in its decisions held that these Territories are mere dependencies, to be governed as Congress may see fit; and if Congress sees fit to declare that the Constitution shall be extended to and put into force, the Constitution becomes the rule of action, and the limitations of the Constitution would apply.

But until that has been done there is no limitation of the Constitution of the character involved in the Senator's inquiry that does apply. Puerto Rico belongs, just as other territory acquired belongs, to the United States. Why, Mr. President, the Constitution itself draws the distinction between territory that belongs

in the Union and territory that belongs outside. What is it that we are authorized to legislate about? Not territory of the United States, but territory, to use the exact language of the Constitution, belonging to the United States; and when we come to legislate for territory belonging to it we legislate free from all restraints and limitations of the Constitution.

Now, Puerto Rico is territory belonging to the United States. Therefore we have power under the Constitution to legislate for it. How? As we may see fit. Therefore, when we come to the provision upon which the Senator relies, I answer to him that the Constitution applies to the Union, and you can not levy an export tax upon products sent out of the United States, because of the limitation that he refers to. But when it has gone beyond the United States it can go where it may; and if the Congress sees fit to say that as to any territory which simply belongs to and is not otherwise a part of the United States—territory to which the Constitution has not been extended—it shall not have the privilege of entering there except on the payment of duty. It is within the power of Congress to do it, and the duty that is imposed is not an export duty, but a duty paid for the privilege of entering that port, which is not under the Constitution, and for which Congress has plenary and absolute power to legislate as it may see fit.

Mr. KENNEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. FORAKER. Certainly.

Mr. KENNEY. I wish to ask the Senator from Ohio to give the definition or difference between territory of the United States and territory belonging to the United States.

Mr. FORAKER. Territory of the United States in the sense in which I used that term a moment ago is territory within the Union of States. All territory outside of the States, including the Territory of New Mexico and the Territory of Arizona, all territory that has not been admitted to the Union, is territory belonging to the United States, and we have a right to legislate about it as we see fit. If we want, we can extend the Constitution by act of Congress, and if we do not see fit to so extend it it does not extend ex proprio vigore.

Now, in this connection I wish to answer the Senator from Georgia with the citation from Mr. Benton that I referred to a moment ago.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. SPOONER. The Senator will make his argument, I think, a little stronger—no stronger, perhaps, than it ought to be made—if he quotes the Constitution as it reads in that connection. It says:

> The territory or other property belonging to the United States.

Mr. FORAKER. I thank the Senator from Wisconsin for calling my attention to the clause. The power that is given to Congress to legislate for territory belonging is the same power that is given to Congress to legislate for other property, so that we have absolutely the same power to legislate with respect to territory belonging to the United States that we have to legislate in the disposition of a lot of condemned ordnance or a piece of realty or anything else which Congress might want to deal with or dispose of.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. FORAKER. I will yield; but I do want, in answer to the Senator from Georgia, to read this quotation from Mr. Benton before I quit the floor.

Mr. RAWLINS. In connection with the question propounded to the Senator from Ohio by the Senator from Wisconsin, that that provision of the Constitution——

Mr. FORAKER. Would not the Senator as soon interrupt me later on?

Mr. RAWLINS. I had just about concluded. That provision refers only to the territory or other property. Therefore it deals alone with property and not with the people. Therefore Congress may do what it pleases with property; but can it do what it pleases with the people under that clause?

Mr. FORAKER. Well, Mr. President, I will point to the precedents about that. My proposition is that the Congress has power, and has exercised it in every instance, to do as it sees fit with respect to the people as well as the territory. I do not know how you are to distinguish.

Mr. SPOONER. I suppose the argument of the Senator from Utah would be that if people settle upon territory of the United States, thereby Congress would lose its constitutional power over them.

Mr. RAWLINS. If I may be——

Mr. SPOONER. It would no longer be property and subject to disposition by the United States because people had settled upon it.

Mr. RAWLINS. I do not think the courts have held that Congress derives its power to legislate for people in a Territory from that clause in the Constitution. The idea is that the Constitution was ordained, among other things, to secure the blessings of liberty to the framers of the Constitution and their posterity, meaning by that the people of the United States, whether native born or naturalized, and their posterity; and wherever that people might go, in a State or in a Territory, this Constitution was to be their heritage; and for them it was to be the supreme law of the land wherever the political jurisdiction of the Union extended.

Such has been the interpretation, I think, of the Supreme Court and the practice of this Government from the foundation of it until the present time, the Supreme Court itself holding in a case, in 9 Howard, that the Constitution superseded the act previously passed in relation to the Northwest Territory; that the Constitution was not in conformity with its provisions, and that hence the Constitution superseded it, and that the act was only continued by virtue of the act passed by Congress August 7, after the Constitution took effect.

Mr. FORAKER. Mr. President——

Mr. SPOONER. Does the Senator from Utah claim that the Supreme Court held that the Constitution of the United States superseded the ordinance of 1787?

Mr. RAWLINS. That is what they held. I have the decision here.

Mr. SPOONER. I remember they held that the admission of a State into the Union operated to supersede the ordinance.

Mr. FORAKER. But never in any other case.

Mr. SPOONER. Which, I think, is correct.

Mr. HOAR. To what case does the Senator refer?

Mr. RAWLINS. The case of Strader *vs.* Graham.

Mr. SPOONER. They held in that case that the admission by Congress of a Territory into the Union superseded the ordinance of 1787.

Mr. RAWLINS. Here the court——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to this colloquy?

Mr. SPOONER. I beg pardon.

Mr. FORAKER. I do not want to interrupt the Senators, but I should like to conclude what I was trying to say. The Senator from Utah can repeat the question to-morrow. It is only fifteen minutes until the time when we shall have to take a recess.

Mr. RAWLINS. I will not detain the Senate by referring to the language of this decision. It explicitly holds what I contend.

Mr. FORAKER. Mr. President, I wish to answer the Senator from Georgia [Mr. BACON]. He said he did not understand that I could show that there had been any legislation (I may not quote him exactly right, and I hope he will correct me if I do not) providing, as I indicated a while ago, that officials who were elected from Territories to which the Constitution had not been extended should, nevertheless, be required to take an oath to support the Constitution of the United States, instancing in that regard the election of a Delegate to Congress.

I wish to call his attention now to the organic acts as compiled in Senate Document No. 148, the provision as to Missouri when it was created a Territory. The Constitution was not extended to Missouri. I read from page 37. It provides here:

> That all free white male citizens of the United States above the age of 21 years who have resided in said Territory twelve months next preceding an election, and who shall have paid a Territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for representatives to the general assembly of said Territory.

Provisions similar to that, provisions, as I said a while ago, recognizing citizenship of the United States, will be found in every act creating a Territorial government that was enacted by Congress prior to the time when Congress expressly extended the Constitution to the Territories of the United States.

Mr. BACON. What section does the Senator read from?

Mr. FORAKER. I was reading from the last clause of section 6, on page 37. Now, it further provides, on page 39, section 13, for the election of a Delegate to Congress:

> That the citizens of the said Territory entitled to vote for representatives to the general assembly thereof shall, at the time of electing their representatives to the said general assembly, also elect one Delegate from the said Territory to the Congress of the United States; and the Delegate so elected shall possess the same powers, shall have the same privileges and compensation for his attendance in Congress, and for going to and returning from the same, as heretofore have been granted to and provided for a Delegate from any Territory of the United States.

So the requirements are precisely the same as to that Delegate as the requirements in this bill to which the Senator has taken exception.

Mr. BACON. Now, if I——

Mr. FORAKER. Now, in the next section, if the Senator will allow me, instead of extending the Constitution, they do by express

legislative enactment extend to the people in the Territory of Missouri certain constitutional guaranties, not, however, as constitutional guaranties, but as legislative guaranties, quoting from the Bill of Rights in that particular.

Now, Mr. President, that of itself shows that in the opinion of Congress at that time the Constitution did not ex proprio vigore extend into the Territory. Otherwise, they would not have legislated the provisions of the Bill of Rights into a statute of the United States for the protection of the citizens there. In my opinion it is unnecessary so to legislate, because those personal immunities go to the citizen anyhow by virtue of what I have referred to heretofore.

Mr. BACON. Mr. President——

Mr. FORAKER. Now, the Senator must wait until I finish. I will yield in a moment. To further show that this doctrine that the Constitution extends ex proprio vigore was not known in the politics of this country until the discussion came on with respect to Territorial governments for New Mexico and Utah and some kind of a government for California in the debates of 1848 and 1849, I will read what Mr. Benton said.

Mr. BACON. Before the Senator passes, I should like to ask him——

Mr. FORAKER. I want to read this, and then the Senator can ask me anything he wants to ask. Mr. Benton said, in speaking of this doctrine, speaking of the debates of 1848, 1849, and 1850:

> A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory.
>
> Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it. In this exigency Mr. Calhoun came out with his new and supreme dogma of transmigratory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired territories.

Mr. Benton says further in this connection:

> History can not class higher than as the vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States, for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

Therefore I say, Mr. President, first, according to this authority (and I do not think any Senator can successfully dispute it or contradict it), we never had this doctrine in the politics of this country until the exigency of slavery made it necessary that such doctrine should be relied upon with respect to the New Mexican debate, and then it was brought forward by Mr. Calhoun for the first time, as Mr. Benton says, and, as Mr. Benton characterized it, as merely "the vagary of a diseased imagination." Whether it is or not I do not pretend to say; I am simply quoting what Mr. Benton saw fit to say about it.

Now, Mr. President, that being the case, it can not be contended that anybody recognized the Constitution as in force in these Territories until Congress by express legislative act extended it there. They could not have recognized it as in force in Missouri, for there they took the trouble to legislate into their act the Bill of Rights of the Constitution, which would have been unnecessary if the Constitution had been regarded as extending ex proprio vigore.

Now, Mr. President, in the case of Missouri and in all these Territories the officers were appointed by the President. There was no election so far as the local officials were concerned, but there was an election in all of them of a Delegate to the Congress of the United States; and in every instance the officers appointed by the President were required to take an oath to support the Constitution of the United States, although it was not extended to the people they were governing. The Delegates to Congress were required to take oaths to support the Constitution of the United States, although they had been elected by a people over whom the Constitution had not extended.

Now, I say this amounts to a conclusive argument, so far as precedent is concerned, to show that in this bill there is nothing to take an exception to.

Mr. BACON. Except——

Mr. RAWLINS. Will the Senator from Ohio yield for just one suggestion?

Mr. FORAKER. Yes.

Mr. RAWLINS. The Senator challenged an authority to the effect that the Constitution applies to citizens of the Territory by its own force. I read from the opinion in Strader *vs.* Graham this language:

> The Constitution was, in the language of the ordinance, "adopted by common consent," and the people of the Territories must necessarily be regarded as parties to it and bound by it and entitled to its benefits, as well as the people of the then existing States. It became the supreme law throughout the United States. And so far as any obligations of good faith had been previously incurred by the ordinance, they were faithfully carried into execution by the power and authority of the new government.

Further:

> It is undoubtedly true that most of the material provisions and principles of these six articles—

Referring to the articles relating to the Northwest Territory—

> not inconsistent with the Constitution of the United States have been the established law within this Territory ever since the ordinance was passed; and hence the ordinance itself is sometimes spoken of as still in force. But these provisions owed their legal validity and force, after the Constitution was adopted and while the Territorial government continued, to the act of Congress of August 7, 1789, which adopted and continued the ordinance of 1787, and carried its provisions into execution, with some modifications, which were necessary to adapt its form of government to the new Constitution. And in the States since formed in the Territory, these provisions, so far as they have been preserved, owe their validity and authority to the Constitution of the United States, and the constitutions and laws of the respective States, and not the authority of the ordinance of the old Confederation.

Holding distinctly that the Constitution is for the people not only of the original States, but of the Territories.

Mr. FORAKER. Will the Senator allow me to see the case to which he refers?

Mr. RAWLINS. Yes, sir.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. HOAR. Mr. President, I wish to make simply one observation. The Senator from Ohio, in answer to the Senator from Colorado, who asked him if we could do this thing to New Mexico, replied, No, because the Constitution of the United States had been extended to New Mexico by act of Congress, not being there otherwise. Now, if the Constitution of the United States is there only as the result of an act of Congress, then it seems to me that a subsequent act of Congress which can repeal, modify, or qualify any prior act of Congress can withdraw the Constitution of the United States in whole or in part. Therefore, if we should pass an act exactly like this applicable to New Mexico, and you can do it but for the suggestion which I had the honor to make a little while ago constitutionally, that will repeal so much of the act of Congress as extended the Constitution there.

Mr. FORAKER. I do not think there is any question about it.

Mr. HOAR. A law repealing it——

Mr. FORAKER. Did the Senator ask me a question?

Mr. HOAR. I did not.

Mr. FORAKER. Oh, I beg pardon; I thought you had.

Mr. HOAR. I did not ask the Senator any question; I rose and addressed the Chair in my own right. So, Mr. President, we come back to the affirmation upon which this legislation depends, that we govern a dependency under the power derived from our right to deal with property, which the Senator says is just the same whether we were dealing with guns or with land or any other thing, making laws for the people thereof for our interests as far as we think fit, and not for theirs, taxing them without representation by laws of taxation to which they never give their assent, and without any constitutional restraints; and that doctrine it is proposed to apply to the people of Puerto Rico, to the people of the Philippine Islands, and, I am afraid, in some quarters hereafter, to the people of Cuba.

Now, I hold that that of itself is a very strong reenforcement of the argument that our fathers never meant that we should hold the people subject to our will under such circumstances and under such conditions. That is despotism pure and simple. We have a right, according to the logic of the Senator from Ohio, to extend it to Alaska, as he says, to New Mexico, as he does not say; if it depends there only on an act of Congress they are exempted. I hold that to be despotism, and it is none the less despotism because the men who are to exercise it in the beginning are benevolent, just, and well intentioned.

Mr. BACON. Mr. President——

Mr. FORAKER. Will the Senator allow me just a moment?

Mr. BACON. The Senator would not permit me to answer him when he replied before to what I said.

The PRESIDING OFFICER. In pursuance of the order entered yesterday, based upon the unanimous-consent agreement, the hour of 5 o'clock having arrived, the Senate will take a recess until 8 o'clock this evening.

Mr. COCKRELL. And nothing to be done then except to read the Alaskan bill.

The Senate (at 5 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDING OFFICER. Under the order of the Senate, the Senate will proceed to consider the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Secretary will proceed to read the bill.

The Secretary read to page 24, section 27, line 12.

Mr. BATE. The word in line 11 is "practicable." The Secretary read it "possible." It is "practicable" in the print of the bill I have.

The PRESIDING OFFICER. "Practicable" is the word.

Mr. BATE. That involves a matter of contest, and I called attention to it because I know there is objection made, and it is going to be discussed.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill, and read to the end of section 258, on page 126.

Mr. CHANDLER. Mr. President, I desire to ask some questions of the Senator who reported this bill, and perhaps this would be as convenient a time as any for me to make the inquiries.

I notice the bill was introduced by the Senator from Montana [Mr. CARTER] on the 1st of March, referred to the Committee on Territories and reported with amendments on the 5th of March, which, of course, was a very brief consideration to be given to a bill of this importance and magnitude.

I think I know that this civil code is substantially the same as that which was introduced in the Fifty-fifth Congress, second session, in connection with the criminal code, and omitted from consideration and action at that time——

Mr. CARTER. That is correct.

Mr. CHANDLER. But yet, Mr. President, I am not quite convinced that there has been given to this bill in all of its parts that careful examination which should be given to a measure of this importance, even for Alaska. I know that the committee which has reported this bill is a committee of ability and discernment, and that there are lawyers upon it of acuteness and eminence; and yet a code of this kind would hardly pass any legislative body without the scrutiny of the judiciary committee of that body.

Mr. President, I should like to ask two or three questions of the chairman of the committee or any member of the committee, and would desire to be answered, if convenient, now.

In the first place, with reference to the criminal code that was adopted toward the close of the last Congress, have any errors or defects or solecisms been discovered in the operation of that code in Alaska since it went into operation?

I should like to be informed whether there was anything connected with the method by which that bill was passed by Congress which should require us to be more careful than we are in reference to the civil code?

I remember very well the circumstances connected with the passage of the criminal code. It was read with care, its provisions were discussed from time to time while the bill was being read; and, through the zeal and persistency and energy and patience of the chairman of the Committee on Territories, the other members of the committee, and those Senators who attended while it was being read and discussed, it was brought to a successful passage. Now, I want to know whether that code has served its purpose, and whether or not it was found to any considerable extent involved in mistakes; whether mistakes were discovered in the practical operation of the code?

Secondly, I should like to ask the members of the committee present whether it is their expectation that this civil code shall be referred to any other committee before it finally becomes a law?

Would it be agreeable to the members of the committee if, after the bill is read, I should move that it be referred to the Committee on the Judiciary for further examination?

I notice that the bill is full of elaborate and somewhat complicated provisions; for instance, those which are now being read in reference to proceedings in the courts of law. Those may have been taken from the codes of other States, which have been found to be sensible and effective, or they may not have been based upon the code of any other State. Certainly, Mr. President, even for Alaska, a bill of this kind should not be hastily passed. It should receive careful examination and discussion at the hands of Congress.

I have put all my questions at once so that they may all be answered at once. I notice the Senator from Montana [Mr. CARTER] is ready to reply to me; and I should also like to hear from the Senator from Tennessee [Mr. BATE]. I should like to have some little statement made to this body showing how this code has been scrutinized and examined in the committee, and to what extent we can rely upon the fidelity with which the work has been done and with which it ought to be done, before this bill becomes a law.

The members of the committee will kindly excuse me for troubling them with these questions, which I have wanted to ask, and which I thought I might as well put at this time.

Mr. CARTER. Mr. President, in reply to the questions propounded by the Senator from New Hampshire [Mr. CHANDLER], I will briefly state the history of this legislation in so far as it has progressed.

The rapid development of the mining industry in the district of Alaska caused the country, and the Congress as well, to realize the necessity for a code of laws for that district. For over twenty years the district of Alaska had remained a neglected spot under the jurisdiction of the United States. At the beginning of the last Congress a commission, known as the Code Commission, were requested to prepare a criminal code, a code of criminal procedure, and a code of civil laws for the district of Alaska. That commission proceeded to perform the task assigned them, accepting as the basis of their work the laws of the State of Oregon, which had been theretofore applied generally, in so far as applicable, to the district of Alaska.

The criminal code was first prepared. It was referred to the Judiciary Committee of this body, as was the civil code, I believe. That committee concluded that the laws, the machinery of the courts, and the government of the district of Alaska more properly came within the jurisdiction of the Committee on Territories; and the bill was, upon the suggestion of the chairman of the Committee on the Judiciary, referred to the Committee on Territories. That committee, with painstaking care that rarely characterizes the work of a committee, went over every section of the report of the Code Commission, and undertook to make such amendments and additions as were necessary to adapt the criminal code, the code of civil procedure, and the civil code to the conditions existing in Alaska.

This task was not a slight one. We were attempting to adjust the laws of the State of Oregon to a vast area, the District of Alaska, embracing over 500,000 square miles, sparsely settled, without counties, townships, or other minor divisions, or any of the geographical adjustments and arrangements existing in a State such as Oregon.

We undertook to secure consideration at the last session of Congress not only for the criminal code, but likewise for the additional codes referred to. The report of the committee was made at a late day in the session. It was found quite impracticable even to read the entire mass of matter reported by the committee in a single bill. It being imperative that the criminal code should be put in operation at the earliest date possible, we, on the floor of the Senate, while the bill was under consideration, detached the criminal code and passed that, leaving the code of civil procedure and the civil code without consideration.

The criminal code which was passed at the last session of Congress has been in operation in Alaska for about one year. Nearly every lawyer practicing at the bar in Alaska has been heard from concerning the operation of that code. The governor of the Territory, who is charged by law with the interests of the United States in that district, and who is further enjoined to see that the laws of the United States are executed there, has been before the committee during the present session of Congress.

From all sources, without a dissenting voice, so far as I am informed, it is agreed that the criminal code has proven entirely satisfactory to the people of Alaska, with the exception of some minor items embraced in the license provisions, concerning which items some amendments will have to be made. But in so far as the practical operation of the criminal code as a code of criminal law is concerned, it has proven eminently satisfactory. Indeed, it is very remarkable that, all the lawyers being consulted, the governor being consulted, all parties in interest being consulted, an amendment has not been suggested to that code, except in some few details of the license provisions which it contains.

The bill now before the Senate, Senate bill 3419, as reported was, it is true, introduced on the 1st of March and reported on the 5th of this month. That bill has been under consideration from the opening of the session. It was introduced at an early day in the month of December by the chairman of the committee, the senior Senator from Idaho [Mr. SHOUP]. That bill, thus introduced by him, was very carefully considered, which resulted in a series of amendments proposed and adopted by the committee from time to time.

The bill as thus amended, with additions made thereto, was introduced by me at the request of the chairman as Senate bill 2927 on the 5th day of February. This new bill, thus introduced, has been before the committee from the 5th day of February. The bill was very carefully considered section by section, chapter by chapter, and division or title by title, with the result that numerous amendments were made.

It was deemed by the committee best not to consume the time of the Senate by reading the numerous amendments that were made in conjunction with the text; and to avoid that process, which would consume much time in a bill of this volume, we concluded that it was better to introduce the bill anew; and so it was presented here as Senate bill 3419, on the 1st day of March, as a new bill, not showing the amendments in italics, as an amended bill would if presented with a report, but reading with the text unimpaired in any manner by italics, amendments, or words

stricken out, except to a very limited extent. After the bill was introduced on the 1st of March the committee again went over it, and certain amendments were made, which will appear in the bill as the reading proceeds.

The measure primarily finds its origin in the statutes of the State of Oregon. It has been carefully adjusted section by section to conditions existing in Alaska, and I doubt when all the facts are considered and the bill carefully scrutinized if any objection can be found or any serious defect discovered in the measure. I do not discern any reason for its reference to the Committee on the Judiciary. It does not involve any great or profound question of constitutional law, but merely the statutes of a State adjusted to a district of the United States where the Constitution and laws are in a measure made applicable. The present reading of the bill is purely formal, it being understood by the unanimous-consent agreement that no amendments would be offered, no amendments would be acted upon, and no action taken with reference to the bill during the session devoted to its reading by the unanimous consent of the Senate.

Mr. CHANDLER. The statement of the Senator from Montana is very clear and full and accounts for what I was not quite able to understand—that is, the rapidity with which the bill was reported back from the Committee on Territories. It also appears on the first page of the bill that there are amendments, being the parts printed in italics. I do not notice any amendments; therefore I suppose they are few and of no great importance. The explanation of the Senator from Montana is entirely satisfactory to me, and I only hope this bill, after it becomes a law, will have no more faults or defects discovered in it than have been discovered in the criminal code which was passed under the same auspices at the last session.

Mr. SHOUP. Mr. President, I am somewhat surprised at the questions raised by the Senator from New Hampshire in regard to this bill, supposing there would be no discussion whatever during its formal reading. It was understood that the bill was to be read in a formal way before putting it on its passage, when amendments would be in order. But as he has propounded a number of questions, first as to the result of the criminal code which was reported by the Committee on Territories at the last session of Congress and which carried with it an amendment, offered by the distinguished Presiding Officer here to-night [Mr. PERKINS] relating to the license law in Alaska, I will state that since that time I have visited Alaska and have visited the principal towns and cities in Alaska.

I have made inquiry personally with respect to the operation of that law, as to whether it gave general satisfaction. I ascertained that it did, with one single exception, which the Senator from Montana has explained, and that was this: While they admitted that the license law was a benefit to Alaska, they wanted 50 per cent of the money to be expended in Alaska in place of going into the Treasury of the United States. That was the only question raised in Alaska as to that law. In all other respects it was regarded as being a good measure and an appropriate law for the Territory of Alaska. I consulted nearly all the lawyers of Alaska and the judge of the court of Alaska, and I found it to be entirely satisfactory.

Now, as to the rapidity of the preparation of this bill; that has been very clearly stated by the Senator from Montana [Mr. CARTER]. The main portion of it was considered at the last session. It was reported to this body. At the opening of the present Congress I reintroduced the code, but the Senator from Montana and the Senator from California each introduced bills which have since been incorporated into this bill.

This has been gone over and through a number of times, and I took the precaution—I am now responding to the suggestion made by the Senator from New Hampshire [Mr. CHANDLER], that it ought to go to the Committee on the Judiciary—to subdivide this bill into four different parts and to refer them to four eminent and prominent lawyers on the committee. They have gone through it carefully, and it has all been considered over and over again. So there has been no haste about it. There has been no precipitate action whatever. It has been before the committee since the early days of the present Congress.

Hence, I wish to say on behalf of the committee that there has not been any hasty action on their part, and that the bill has been carefully considered and is before the Senate after being more carefully considered, in my judgment, than any other bill which has been presented to this body in many years.

Mr. CHANDLER. I am very happy to hear from the Senator from Idaho the statement he has made. He expressed surprise at my inquiries, because it was understood that no business was to be transacted this evening except the reading of the bill. The Senator from Idaho will not undertake to say that there was any agreement that there should be no discussion on the bill as the reading proceeded. If there was any understanding to that effect, then of course I have broken that arrangement. If I have done so, I have been ably answered by the Senator from Montana and the Senator from Idaho. Was there any understanding, I will ask the Senator, that there should be no discussion on the bill?

Mr. SHOUP. I will say, in reply to the inquiry of the Senator from New Hampshire, that while there was no specific understanding that there should be no discussion, I think there was a general understanding that all that was to be done to-night was the formal reading of the bill.

Mr. CHANDLER. I do not think the understanding in the RECORD will bear out the chairman of the committee in his present statement. Certainly, if I have offended, I have been sufficiently answered by the two Senators.

Mr. SHOUP. I do not regard it as any offense whatever.

Mr. CHANDLER. The statement of the agreement is that the session shall "be for the purpose of formally reading the bill in relation to the Territory of Alaska; that no amendments shall be acted upon, and no other business than the formal reading of the bill shall be done." Debate, as is well known both to the Senate and the country, is not business, and no agreement of this kind has ever been understood to exclude debate.

I wish to say only one word more, and that is that the chairman of the committee will excuse me for not knowing the care with which the bill has been considered by the committee, the duties of the chairman of which he performs with so much assiduity. I noticed it was introduced on the 1st of March and reported on the 5th of March, and there was nothing on the face of the bill to indicate that it was the outcome of two or three previous bills which had been finally merged in this bill. With the explanations that have been made I am entirely satisfied, but shall take occasion whenever a bill is being read, even if no other business is to be transacted, to make any inquiries that I may think to be pertinent.

Mr. BATE. Mr. President, I myself, as a member of the committee, am glad to see the vigilance shown by the Senator from New Hampshire. I have been part and parcel of the making up of this measure, but I did not take so great a part as I desired, because I did not have opportunity. I think it shows vigilance upon his part to be looking into these matters. It is troublesome, it is true; it is tedious; but it is our duty to look at it narrowly.

This bill affects the rights of a great many persons, the rights of a whole Territory—mining rights, land rights, personal rights, commercial rights, and all these things. I am one of those who would be delighted to see the bill go to the Judiciary Committee. If he shall make that proposition I shall certainly sustain him, not, however, because I am aware of any glaring defects in the bill. I think it is rather a remarkable document, prepared, as it has been, rather hurriedly, it is true. But it was done systematically. The chairman divided it into four parts. There are 600 pages here.

Mr. SHOUP. The Senator from Tennessee had one part.

Mr. BATE. Yes; I was just going to say that. The chairman divided it into four parts. There were four lawyers upon the committee, and he gave each one of them 150 pages. I took one section, at his suggestion, and went over it; but I must confess, sir, that it took me several days, and even at night till 1 o'clock, three or four nights, before I got through and mastered it at all to my satisfaction.

I recommended, then, as many as twenty or thirty or forty amendments to it, and I think all but three or four were adopted. None of them was very great or material, however. So we went on, and after that was done each one brought his section up there, one-fourth of it, and presented it to the whole committee, and it was scanned by the committee and read over. I was not present when the first section was read. I was present when all the others were. We compared notes and got it, if I may say so, in the shape in which it is now. It is in as acceptable form, perhaps, as we could very well get it.

I shall not object—because I know the importance of this bill—to referring it to the Committee on the Judiciary. It ought to go forth correct. It affects the rights of these people and of persons going in there by the thousands, and perhaps hundreds of thousands, before this code passes away—perhaps there will be a large State—and we ought to be doubly vigilant in regard to it, and I am glad, as I say, to observe the watchfulness shown by the Senator from New Hampshire.

Mr. President, there are amendments that are going to come forth. I have some myself, and I think some of importance, I will say to the Senator from New Hampshire, but this is not the time, as I understand, for the presentation of them. We agreed that we should not do anything at this time except the formal reading, and we have already passed over three or four points to which I would have called the attention of the Senate if it had not been for the agreement.

Mr. SHOUP. I will say, for the information of Senators present, that the Senator from Tennessee has reserved the right to offer any amendments he may desire to present to the Senate when the bill is before the Senate and open to amendment.

Mr. BATE. That is a right which belongs to every one of us,

of course. It is a right which can not be denied. But still I took the precaution to notify my associates on the committee of that fact.

I think it is a very remarkable measure, to be got up in the manner in which it has been prepared. I regretted that there was any necessity for it. I thought it would serve the purpose in the early organization of this Territory if we were to continue in force the code of Oregon, which they have, because they have all the decisions of the courts construing its various provisions, and there would be less trouble in the end than to start anew and have new courts and new decisions upon these questions. But still the Senate saw fit to take another course, and I bowed as gracefully as I could, and I have performed my duty in connection therewith as I thought was necessary. I think the bill is possibly in as good shape as we can have it. Still I am not adverse to seeing it undergo the scrutiny of the Judiciary Committee, because it is a very important matter indeed.

Mr. SHOUP. I will ask the Senator from Tennessee whether he does not consider, with all deference to the members of the Judiciary Committee, that he and a number of other lawyers on the Committee on Territories, who have had this bill under their scrutiny, are as capable as the members of the Judiciary Committee of determining everything in a legal way as to the force and effect and application of the laws and rules to govern those people?

Mr. BATE. I think it is very full and ample and very accurate, so far as I am able to judge. Still, I yield my opinion to those who have been selected by the Senate as the head of its lawyers to constitute the Judiciary Committee. I would certainly submit gracefully to anything they would say; and if there is any doubt about it, or if any Senator desires the bill to go there, I will vote for its reference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The reading of the bill will be resumed.

The reading of the bill was resumed and continued to the end of section 303, on page 156.

Mr. BATE. Mr. President, I see that it is nearly half past 11 o'clock, and we have gone over one hundred and fifty-odd pages of the bill to-night. It is very fine work, I think, sir; and if it is agreeable to the chairman of the committee, I move that the Senate adjourn.

Mr. SHOUP. I concur in the motion made by the senior Senator from Tennessee.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 9, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 8, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

The SPEAKER. The gentleman from New York calls up the disagreement of the Senate to the House amendment to the Senate bill 2354.

Mr. SHERMAN. I move, Mr. Speaker, that the House insist upon its amendments.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2354) to enlarge the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Mr. SHERMAN. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, until Monday, on account of important business.

CURRENCY BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to give notice that I shall call up for consideration the currency bill, that is agreed upon by the conferees of the two Houses, on next Tuesday; and I ask unanimous consent that the debate had upon the report begin immediately after the reading of the Journal and close at 4.30 o'clock the same day, at which time a vote may be had.

The SPEAKER. The gentleman from Indiana gives notice that he will call up the House bill No. 1, known as the finance bill, that the conferees have agreed upon, on Tuesday next, debate to begin immediately after the approval of the Journal, and a vote thereon to be taken at 4.30 o'clock. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADDITIONAL URGENT DEFICIENCY BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. Mr. Speaker, I reserve all points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3266. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Maj. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery, at Arlington, Va.

S. 282. An act extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3186. An act granting a pension to Margaretha Lippert;

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia;

S. 1402. An act for the erection of a public building at Natchez, Miss.;

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries;

S. 3105. An act for the relief of the mother of William R. McAdam;

S. 1319. An act granting an increase of pension to Annie E. Joseph;

S. 2583. An act for enlarging the public building at Dallas, Tex.;

S. 289. An act granting a pension to John B. Turchin;

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington;

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians;

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.;

S. 817. An act granting an increase of pension to Julia A. Taylor;

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city;

S. 995. An act granting an increase of pension to Nelly Young Egbert, widow of Harry Clay Egbert, late colonel of United States Army;

S. 2311. An act for the relief of Mrs. Ella M. Shell; and

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 2637. An act granting an increase of pension to Albert Hammer;

H. J. Res. 119. Joint resolution to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899; and

H. R. 6767. An act to grant an American register to the steamer *Windward.*

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ALFRED C. HARMER, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And, in compliance with the foregoing, the President pro tempore had appointed as said committee Mr. PENROSE, Mr. MASON, Mr. HANSBROUGH, Mr. SULLIVAN, and Mr. SCOTT.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 717. An act to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia—to the Committee on Public Buildings and Grounds.

S. 1402. An act for the erection of a public building at Natchez, Miss.—to the Committee on Public Buildings and Grounds.

S. R. 71. Joint resolution authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries—to the Committee on Foreign Affairs.

S. 3105. An act for the relief of the mother of William R. McAdam—to the Committee on Interstate and Foreign Commerce.

S. 1319. An act granting an increase of pension to Annie E. Joseph—to the Committee on Invalid Pensions.

S. 2583. An act for enlarging the public building at Dallas, Tex.—to the Committee on Public Buildings and Grounds.

S. 98. An act providing for the erection of a public building at the city of Spokane, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 3055. An act to ratify an agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians—to the Committee on Indian Affairs.

S. 1934. An act for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims.

S. 817. An act granting an increase of pension to Julia A. Taylor—to the Committee on Invalid Pensions.

S. 2499. An act to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city—to the Committee on Military Affairs.

S. 2311. An act for the relief of Mrs. Ella M. Shell—to the Committee on Claims.

S. 304. An act providing for the erection of a public building at the city of Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 28:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,500 copies, in addition to those heretofore authorized by law, of a paper in Part III of the Twentieth Annual Report of the Geological Survey, entitled, "Geology of the Little Belt Mountains, Montana, with notes on the mineral deposits of the Neihart, Barker, Yogo, and other districts," by Walter Harvey Weed—

to the Committee on Printing.

S. 2880. An act granting an increase of pension to Caroline B. Bradford—to the Committee on Invalid Pensions.

S. 2510. An act granting an increase of pension to Caroline C. Townsend—to the Committee on Invalid Pensions.

S. 207. An act granting an increase of pension to Margaret E. Van Horn—to the Committee on Invalid Pensions.

S. 135. An act granting an increase of pension to Frances C. De Russy—to the Committee on Invalid Pensions.

S. 1787. An act granting an increase of pension to Joseph P. Pope—to the Committee on Invalid Pensions.

S. 2636. An act granting an increase of pension to Mary E. Law—to the Committee on Invalid Pensions.

S. 1066. An act granting an increase of pension to Margaret B. Shipp—to the Committee on Pensions.

S. 2497. An act granting an increase of pension to Sarah W. Rowell—to the Committee on Pensions.

S. 2652. An act granting an increase of pension to Louisa E. Baylor—to the Committee on Invalid Pensions.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution of the following title:

On March 8, 1900:

H. J. Res. 170. Joint resolution providing for the acquisition of certain lands in the State of California.

CONTESTED-ELECTION CASE—ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I call up the contested-election case of Aldrich against Robbins, and yield an hour to the gentleman from Michigan [Mr. HAMILTON].

Mr. BARTLETT. Mr. Speaker, before my colleague on the committee proceeds, I desire to ask the gentleman from Illinois a question. It is understood that the time now remaining is to be equally divided between the two sides.

Mr. MANN. It is understood that the time now remaining shall be equally divided between the two sides.

Mr. BARTLETT. Mr. Speaker, I ask the gentleman if he has succeeded in making the arrangement I suggested?

Mr. MANN. I have not yet succeeded in making the arrangement suggested.

The SPEAKER. Unanimous consent is asked by the gentleman from Georgia and the gentleman from Illinois that the time remaining shall be equally divided between the two sides. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Speaker, the Fourth Congressional district of Alabama is composed of six counties, namely, the counties of Cleburne, Calhoun, Talladega, Shelby, Chilton, and Dallas. Of these the first five named counties are the so-called white counties, and the county of Dallas lies in the so-called black belt of Alabama.

Mr. Aldrich, the contestant, came down through the white counties to Dallas County with a majority of 816. There is no contest except as to Dallas County.

By the census of 1890 Dallas County is shown to have a total voting population of 10,677, of whom 8,531 are colored voters and 2,146 are white voters; and yet out of a total voting population of 10,677 only 2,830 votes in all were cast in the last election.

On the argument of this case before the committee complaint was made, which has been renewed here on the floor of the House, because it was said the so-called colored vote had been suppressed. That is, it was said that word was sent out by the Aldrich managers to the colored voters requesting them not to go to the polls and not to vote, and it is quite clear that this is true, and it is as equally obvious that the colored voters did not go to the polls and did not vote to any large extent in the last election in Dallas County. That a mere request like this should have been observed, whereby almost the total voting population of Dallas County voluntarily disfranchised itself, on the request of the Republican managers, is conclusive evidence that the home-staying vote in Dallas County was a Republican vote, and the most casual investigation of conditions as shown not only in this case but in the two other contested-election cases preceding this from this same district reveals the reason why the colored voters did not go to the polls and did not attempt to vote.

Sir, this contest and others from the South grow out of conditions there, and are practically inevitable so long as these conditions continue to exist. The first difficulty is the ingrained opposition to what is known as negro domination there. The next difficulty is the ignorant and illiterate condition of the colored people of the South, which makes them fit and easy material out of which almost any kind of returns may be manufactured or evolved at will.

Now, sir, I am not prejudiced. The committee to which I have the honor to belong would be ill qualified to perform the arduous duties devolving upon it if its members approached the consideration of these questions in a partisan spirit.

Neither is there any longer any sectional feeling. The sectional feeling that smoldered in the ashes of the civil war has been smothered and quite put out forever.

We are all fellow-citizens of one common country, stretching 3,000 miles, from the Atlantic to the Pacific, and some 7,000 miles beyond; 1,000 miles from the Lakes to the Gulf, with some outlying territory in the arctic regions and in the Atlantic Ocean; united now, at least as to the United States, under one written Constitution, symbolized by one flag, known and respected the world over as the Stars and Stripes. [Applause.] Under that flag now there are people of all classes, colors, and conditions, from the frozen north to the tropic zone. And, sir, the time has come, in my opinion, when the white American citizen must rise to the full measure and stature of his responsibility to his weaker brethren. No matter how much we may resort to sophistry to convince ourselves and others to the contrary, we are our brother's keepers.

Long ago, at creation's first dawn, while yet the cherubim with flaming swords stood guard at the gates of deserted Eden, and man had just begun to eat his bread in the sweat of his face and the first murder had been done, the question was asked, "Am I

my brother's keeper?" Modern civilization is answering that question emphatically in the affirmative. We are our brother's keepers. And when men fail to respond to their duty in this behalf they must inevitably suffer in the long run by reflex action upon themselves for such failure.

Like mercy, which is twice blessed, blessing him that gives and him that receives, so oppression is twice hurtful, hurting him that oppresses and him that is oppressed.

You Southern gentlemen are genial, manly men. You are talented, high-souled gentlemen. I have many warm friends among you. But, my friends, in your dealings with this election problem growing out of this race problem you are like the man who stacks the cards on the man who does not even know how to play the game. [Laughter on the Republican side.]

This case of Aldrich against Robbins or any other election case growing out of similar conditions sinks into insignificance when compared with the tremendous race problem out of which these contests grow. Many books have been written, many treatises have been published, many orators have made many speeches over this question, but few I think, have, approached a solution of it. I am one of those who believe that the colored man in the South must and that he will, in the fullness of time, work out his own salvation and his own solution of this problem. But in the meantime I insist that it is not only the duty of the white man not to put obstacles in his way, but that it is the white man's affirmative duty to help him upward and onward. Who will say that the colored man has not advanced as rapidly from his original condition as any race in all time—who will say he lacks courage or patriotism?

Since San Juan hill some white gentlemen have capitalized their glory, some gentlemen have permitted themselves to be inducted into political office, and the whole world has applauded American nerve, American pluck, and American manhood.

But let it not be forgotten that when the white Regulars and the Rough Riders marched up the hill that led to death and glory the black Regulars were there also side by side with them, every step of the way, fighting with the steadiness and precision of machines and the courage and discretion of American citizens.

Sir, I say that a man who is man enough to fight like that is man enough to vote in the elections of the country for which he fights [applause on the Republican side] and to have his vote counted. They are permitted often to go through the farce of a vote, but they are frequently counted out.

Meanwhile let education go on with accelerated vigor; but education alone will not solve this problem, although it will go far. The knowledge of arithmetic, the ability to count is of little real value to the man who uses it to count dishonestly, to count somebody out, be he black or white.

There must not only be education but there ought to be moral and industrial education as well. Moral education, so that the colored man will esteem his privilege as an American citizen and not *sell it out* on election day, as he too frequently does; industrial education which will enable him to take care of himself and family and not be constantly in debt and in a condition of financial subserviency, so that when election day comes around in the South a nod here and a suggestion there will control his vote.

Some days ago on the train coming through from the West an intelligent Southern gentleman was telling how a bright young negro had hired out for a term of three months at $15 a month. The term of service having expired, he went in to settle up. His employer being absent, he was paid, by mistake, for two months instead of three. He went away puzzled and disappointed, because he had expected to get married on the proceeds of his work, and the amount of his pile seemed inadequate to the contemplated enterprise. But he could not figure, and he gave it up. Shortly afterwards his employer returned and, learning of the mistake, called him in and paid him the balance. Jim took the money gratefully and then said: "Look yer, Boss; I dun thought the' was some kind of disfigurin' roun' heah somewhere, but I didn't know jus' wha' it was."

So it is on election day with the colored man in the South. He knows there is some kind of "disfiguring around somewhere," but he does not know just where it is; he only knows that, by some sort of subtle, occult transmutation in and about the ballot box, his vote for Richard Roe is transformed into a vote for John Doe or is not counted at all, and he does not know just how except that he did not intend to vote that way. The illiterate colored man who can not mark his own vote is at the mercy of the unscrupulous marker.

"PIG TRACKING."

On the argument of this case before the committee amusing comment was made upon what was called "pig tracking" of witnesses. Now, this term "pig tracking" is a peculiar kind of hog Latin [laughter], or law Latin, or at least it is a Southern law phrase, to describe witnesses who follow each other so closely in their testimony as to arouse the suspicion that they have been "horse shedded"—that is our Northern expression.

Well, sir, these witnesses who were accused of "pig tracking" remind me of a story that an old justice of the peace up in my country used to tell about himself and an old sow of the third-row breed that could eat corn out of a jug, and was so thin that she could hardly cast a shadow. He said he had turned her out in the meadow. It was August, and the pasture was parched and brown and forage was scarce. Missing her from time to time at the trough, his suspicions were aroused. Adjoining the meadow was a cornfield, separated from it by a rail fence built in the old-fashioned way, with logs for the bottom rails. On investigation he found that the sow had discovered a hollow log, and that by passing through the length of it she could come out in the land of corn and plenty.

In a spirit of psychological research he turned the log so that both ends were in the meadow, and, hiding himself, he awaited results. The sow came up and, as she had done many times before, dove into the log, in full expectation of corn beyond, and came out still in the meadow. This had never occurred before in her experience. Sorely perplexed and disappointed, she tried it again and again, until, worn out with futile effort, she abandoned the enterprise. Something was wrong with the combination. The "open sesame" had failed to work.

So, by "disfiguring" and turning the log, election boards in the South have so contrived that the illiterate voter knows he can no longer express his will at the polls.

That, my friends, is why, with a voting population of 10,677 in Dallas County, only 2,830 votes were cast at the last election. Do you tell me there was fairness there? Why, my friends on the other side, you know perfectly well that there is no fairness there; you know perfectly well that the colored man is not permitted to register his will. And, with all due deference to you, it is a farce to come up here and claim that it is so. It is not true.

Now, what is the nature of the "disfiguring" and turning the log in Dallas County? Before passing to specific instances, permit me to call attention to the election law applicable to this case.

REGISTRATION.

First, as to registration, the law prescribes that the governor shall appoint a registrar of elections in each county and assistant registrars of elections in each precinct of each county, whose business it is to register electors. The law further prescribes that there shall be a period of registration extending from the first Monday in May for eighteen consecutive days, Sundays excepted, except that in cities of 10,000 inhabitants or more the period of registration is thirty consecutive days, Sundays excepted. Further, the constitution of the State of Alabama, Section 5, Article 8, prescribes that "no person shall vote at any election unless he shall have registered as required by law."

Pursuant to this constitutional provision paragraph 1620 of the Alabama election law was passed. It prescribes that "the elector must have registered as provided in this chapter, and if any elector attempts to vote without having registered for that election, his vote must be rejected." McCrary, in paragraph 330 of his work on Election Law, says, "When the law does not permit any person to vote unless his name is on the register, the provision is mandatory." So much as to registration.

INSPECTORS, CLERKS, AND MARKERS.

The election machinery of Alabama is put in motion by an appointing board composed of the judge of probate, the county clerk, and the sheriff of each county.

It is the duty of this appointing board, at least thirty days before election, to appoint three inspectors of election for each precinct, two of whom shall be from opposing political parties if practicable.

It is the duty of the inspectors so appointed, before the opening of the polls, to appoint two markers from opposing political parties, whose business it is to mark the ballots of illiterate and physically disabled electors for them. It is the further duty of the inspectors, before the opening of the polls, to appoint two persons to act as clerks.

Now, it is evident that a marker is an important person in an illiterate community. And when a marker is appointed without regard to law, without regard to its requirement as to selection from opposing political parties, and when the marker so appointed is ignorant, incompetent, and corrupt, and is well known to the voters to be so—is well known to be a man on whom they can not rely, not only by reason of his personal character, but by reason of former experience with him acting in the capacity of marker—then voters have just ground for believing that fraud was intended from the outset, intended by the appointing board when it appointed partisan and dishonest inspectors, and intended by inspectors when they appointed incompetent and corrupt markers and clerks. And so believing, and being so justified in believing, there is nothing left for the illiterate voter to do but to stay away from the polls on election day, so that his vote may not swell the aggregate of material out of which corrupt election officials may make dishonest returns.

THE BALLOT.

Now, as to the ballot. The law provides that the judge of probate of each county shall cause the ballots to be printed in a form prescribed by law, and this ballot must be printed in books or blocks and provided for each precinct where the election is to be held. This ballot is known as the "official ballot," and the law prescribes that the ballot so provided is the "legal ballot," and that "no ballot shall be received or counted in any election to which the act applies except it be provided as herein prescribed."

Now, Mr. Speaker, it will be seen that a legal ballot is prescribed under the laws of Alabama. It must have a legal origin and a legal career, and must come legally into the hands of inspectors, and must be legally given by inspectors into the hands of voters. No other ballot is lawful in that State.

VOTING.

Now, as to voting this ballot. The law prescribes that "no person except officials and voters admitted to vote shall be permitted to approach within 50 feet of the doors or windows of polling places." This is provided in sections 25 and 28 of the Alabama election law.

Ballots must be given to the voters by the inspector. (Section 32.)

No ballot can be carried away from the polling places. (Section 40.)

It is unlawful to print copies of ballots or to have copies in possession. (Section 43.)

Forgery of the initials of inspectors upon ballot stubs is a crime under the law of Alabama. (Section 17.)

And, finally, no vote shall be received or counted unless it be provided as prescribed by law. (Section 14.)

FRAUD AND NEGLIGENCE.

Now, gentlemen, a word as to fraud. It is a well-established principle of law that fraud destroys and vitiates the value of returns as evidence. Fraud does not necessarily invalidate the legal vote, but by destroying the presumption of the correctness of returns it makes it necessary that any person claiming the benefit of votes must prove them, and when the conduct of an election or the return of a vote is so tainted with fraud that the truth can not be deduced from the returns, the returns must be set aside. This is the plain statement of law, which I take it no one present will dispute.

Further, when the incompetency, inefficiency, and reckless disregard of the essential requirements of the law prevail to such an extent that the acts of the officers must be deemed unreliable, this will of necessity have the same effect as fraud and be ground for rejecting returns. This, also, is well-established law.

SELMA, NO. 36.

Now, gentlemen, bearing in mind these principles of law, I propose to call your attention to the conditions that existed in Selma precinct, No. 36—the largest precinct in Dallas County, and upon which, to a great extent, the result of this election hinges. In this connection let me say that, so far as I am concerned, I would not allow my vote or voice to be influenced by any personal consideration or feeling I might have toward contesting parties. Unless I believed that the man who comes here with a contest ought to be seated, I would not vote to seat him. Unless I believed conscientiously that a man whose seat is contested ought to be unseated, I would not give my assent to any such action, notwithstanding the little pungent newspaper paragraphs by a singular coincidence appearing from day to day in certain papers here, framed in the interest of contestees and reflecting upon the judicial fairness of election committees, and the flippant manner of treating these cases which sometimes appears in debate upon this floor. I consider the rendition of judgment in these cases a high and important matter of duty and of obligation.

Members on this floor have talked about cases being decided on "political grounds." There is behind our service on this Election Committee a solemn duty which we owe not only to the constituents of contending parties but to the people of the whole country in investigating cases of this kind.

Mr. Speaker, when a man contests for a seat here he ought not to be accepted as a member of this body unless the evidence is conclusive to the minds and the consciences of the members, and I would not give my vote or my voice in support of the contention of a contestant unless I believed, honestly and conscientiously, that the claimant had a right which we had no right to ignore.

It is not a question of political friendship or one of partisan consideration. It is a high duty which we owe to the people and to ourselves. I consider it a matter of personal honor to which I feel bound to give my best consideration. It is a matter of personal honor affecting the committee, too; and I am unwilling to submit quietly to even a suggestion that the committee of which I have the honor to be a member would, under any circumstances, be willing to give a decision on a case of this kind for partisan reasons or purposes. There is no such sentiment in the committee to which I have the honor to belong. We have had under consideration in this and the last Congress seven cases, I think. I ask my colleague, the gentleman from Illinois [Mr. MANN], how many cases have been pending before the committee?

Mr. MANN. There were seven cases before the committee.

Mr. HAMILTON. Seven cases, and we have reported in favor of the sitting Democratic member in every case except one in the last House and one in this.

I want it understood, gentlemen, that Elections Committee No. 1 does not report in favor of unseating a man unless it believes that he ought to be unseated. That is the way I feel about it. I say this is too big a question to be tampered with flippantly on the floor of this House. Elections Committee No. 1 sits judicially on these questions. They do not fritter away the fight of a man's life.

To occupy a seat in this body may have been the ambition of a man's lifetime.

When he comes here, before very long he may find that it is hardly worth while. There is tinsel and show and hollowness and heartache and disappointment enough about it all, and every man is largely for himself. It is a passing show in many respects, and Congressmen, as Bryce says, disappear like snowflakes on a river. Withal, of course, there is great and serious work to do.

But when a man has made his fight and is here contending for his rights, nothing short of the best and most serious thought, consideration, and judgment is due him. I will not consent that a breath of imputation of carelessness shall touch Elections Committee No. 1, and when such suggestion comes from a member of the minority of this committee I am reminded of a saying of a certain French philosopher, that "Confidence in other men's virtues is no slight evidence of a man's own."

Now, as to precinct No. 36, I have stated to you that there must be fraud or negligence of election officials sufficient to satisfy the committee that there is reason to overturn the returns of that precinct before those returns can be thrown out and proof be accepted aliunde.

EVIDENCE AFFECTING RETURNS.

As to Selma precinct, No. 36. First, the evidence shows to the satisfaction of the majority of this committee that about 80 persons appear to have voted who were not registered.

When the law requires that a man shall be registered in order to vote, and his name appears on the poll list as having voted when he is not registered, does that, to your minds, as a jury who must pass upon this question, suggest anything dishonest?

Second, a large number, to wit, 54 white persons, whose names appear on the poll list as having voted could not be found in the precinct. Now, the value of that kind of evidence depends upon the extent of the research of the person hunting for them and his knowledge of the precinct. I do not lay great stress upon it. The case does not depend upon that, but I make the statement.

Third, a large number, to wit, 75 colored persons, whose names appear upon the poll list as having voted could not be found in the precinct. I do not lay stress upon that. The value of that evidence depends upon the research of the person inquiring, depends upon his means of observation and his knowledge of the precinct.

Fourth, a large number of persons are shown to have voted who were illegally registered. As to that, I do not agree with the majority of the committee. The majority of the committee in their report did not take the view which I take of that, which I shall, later on, perhaps, have something to say about.

Fifth, several swore that they voted whose names are not on the poll list at all.

Now, would that suggest anything curious about the election in that precinct?

Sixth. Several testified that they did not vote, although their names do appear on the poll list as having voted. Would these facts have weight in your minds in determining whether the official returns are reliable?

So, my friends, when we took all those facts in conjunction, the committee felt that there was sufficient peculiarity, sufficient fraud, or, if you do not care to use the term "fraud," that there was sufficient carelessness on the part of the inspectors of that election, so that we could not accept those returns as valid. In that precinct Mr. Aldrich was credited with 79 votes, and when he came to the oral proof he proved more than 170.

Now, there is nothing flimsy about this. What would you do if you sat as members of a committee and heard these facts and were confronted with the fact that these returns were not such as you could accept?

THE PROVED VOTE.

You must resort to the next step, obviously. What is the next step? It is to prove the votes. Now, against Mr. Robbins, the contestee, I have not a word to say personally. He is, like many other Southern gentlemen, the victim of his environment.

The contestee, Mr. Robbins, examined 636 witnesses from this Selma precinct. Now, first, deducting those who were called for

other purposes than to prove their vote, or who were recalled and therefore appeared twice, or who testified that they did not vote, 9 in number, the vote stands 636 less 9. Second, we further deduct those who testified that they voted but whose names do not appear on the registration list, 32 in number. We could not very well count those votes. Now, third, I, personally, propose to deduct those who testified to having voted for the contestee, but who appear from their own testimony to have been illegally registered. In that I am not sustained by the majority of the committee. My contention is that under the law of Alabama, under the constitutional provision, and under the statute passed pursuant to that constitution, those votes ought not to be counted. If it were simply a question whether we should accept votes returned, then it might properly be said that inasmuch as these votes do not appear to have been challenged they ought to be counted. But having rejected the returns, when we proceed to the count of *proved* votes, only those votes which are proved to be *legal* votes ought to be counted; and when an elector by the very testimony on which his vote is sought to be counted discloses that the vote in itself is illegal, that it has fatal legal infirmities, then I am unable to see how such vote can be legally counted. But it is not a matter on which I need to waste time, because the majority of the committee have not subtracted this number from Mr. Robbins's vote, out of abundant caution and abundant fairness to Mr. Robbins.

Fourth. We deduct the votes of those who testified that they voted for Mr. Robbins, but who obtained their ballots from various unauthorized persons and places. Now, Mr. Speaker, bear in mind that the ballot must have a legal birth, a legal origin, must be printed as prescribed by law, must go into the hands of inspectors from a legal source, and can not get out of the hands of an inspector except it be handed by an inspector to a voter who is about to exercise the right to vote. Bearing that in mind, let me call your attention to the testimony.

There was the case of William Wilby, who got his ballot from a window in the yard; not from an inspector at the table.

There was the case of W. B. F. Harrison, who got his ticket from Mr. Lumpkin. Mr. Lumpkin is the sheriff and not an inspector.

J. J. Babcock—where did he get his ticket? He says: "I think Joe Evans handed me the ticket." Joe Evans was not an inpector.

Jake Storm says Mr. Kennedy, a deputy sheriff, handed his ticket to him.

Thomas Walker says some gentleman handed a ticket to him in the hall. There were tickets flying around everywhere, and, under the law, the tickets could only be given out by the inspectors to voters about to vote, and if they got out of the inspector's hands, except as provided by law, they got out in an illegal way; and yet here we have them all over town. That is the reason why we throw out these votes, gentlemen. It is not for political purposes.

W. R. Lardent got his ticket from some man at the door of the court-house.

Another man, C. Ritter, says Will Walker gave him a ticket as he walked in court-house door.

James Walsh says: "I picked up my ticket myself on the table on the piazza outside." Every man could go and get a ticket off the piazza. [Laughter.]

W. W. Stewart says he got his ticket from some one outside. J. M. Long when asked, "When you voted where did you get your ticket," said:

I got it myself.
Q. Where?
A. Some down town and some in the booths in the court-house.

And he said: "He had some in his pocket."

Tickets were flying around loose, floating about in the hands of anybody, and this man had tickets in his pocket and could get all the tickets he wanted.

A. M. Cummings:

Where did you get your tickets?—A. I got them down at the store and I carried them down there.

He should have been able only to have gotten those tickets at the polling place.

E. H. Hobbs:

Where did you get your ticket when you voted?—A. The ticket was left at my store.

And still gentlemen talk about this election having been conducted fairly.

Mr. LIVINGSTON. Did not they wish to vote those tickets?

Mr. HAMILTON. They voted them; they voted them, and evidently would have voted more if they could.

Mr. LIVINGSTON. You damn them if they do and you damn them if they do not.

Mr. HAMILTON. You as a Democrat, sir, and as a member of this House, will not claim for a minute to me or to any other man on the floor of this House that a voter has got the right to go down town and get a ticket, or take it off the piazza of the court-house, or that tickets can be given out to anybody—Tom, Dick, and Harry—anywhere, and by everybody, when the law says no ticket shall be given out except by an inspector.

Mr. LIVINGSTON. If there were 1,700 votes for him, why not give him them?

Mr. HAMILTON. I will prove to you that these votes ought to be thrown out.

Mr. BARTLETT. We do not claim that this was right.

Mr. LIVINGSTON. I do not claim it.

Mr. HAMILTON. This is proved by the contestee's own witnesses. Here are some more. Lewis Bega, when asked where he got his ticket, said he got the ticket he voted at the Hotel Albert. Hotel Albert! Down town somewhere; I do not know how far from the court-house, where the vote was taken. Talk about fairness, gentlemen; talk about inducting a man into office here for political reason!

J. T. Russell, jr., had his ticket handed to him on the street. Is there any reason in seating a man on these votes? Now, gentlemen, I want it distinctly understood that so long as I serve on an Election Committee, and I hope I will never have to serve on another one, I will not consent to count that kind of votes.

Now, Mr. Robbins claimed to have proved 636 votes, and by the process which I have given you we deduct only 76 votes. We deduct them carefully, conscientiously, with proper regard for the interest of the gentleman from Alabama. Now, what does Mr. Aldrich prove for himself? We find 102 witnesses who say they went up and voted for him and marked their tickets themselves. How many did he get credit for by the returns? Seventy-nine votes. Is that honest? There were others—those who testified to legal registration, and that O. O. Moore marked their ballots for them. Of these there were 35. And then there were others, 7 in number, who testified that Dockery, another marker, marked their ballots for them for Aldrich. One other ballot was marked for Aldrich by Tinch. None of this testimony is disputed. That makes 145, at least, which Aldrich proves. By the returns, however, he was credited with only 79. There were 10 other votes proved for Aldrich, but the men who voted them admitted that their registration was defective, and the majority of the committee did not allow these votes for contestant.

Then there was O. O. Moore, who testified that he marked 60 or 65 ballots for Aldrich, and although his evidence is undisputed, the committee have preferred to count only those votes which were proved by the voters themselves. If allowed, Moore's testimony will give Aldrich 25 more votes, but we do not count them.

I say to you, gentlemen of the House, that in my humble opinion there is no doubt but that Aldrich is legally, justly, and equitably entitled to 145 votes in the city of Selma, and I am inclined to think that he ought to have more counted for him.

Within my time I can not proceed in detail as to the other precincts, but I have a statement here which I propose to print with my remarks.

PRECINCTS OUTSIDE OF SELMA.

Aldrich carried the white counties by 816; deduct Robbins's majority in Selma, 342, and Aldrich's majority stands 474.

There are 31 election precincts in Dallas County, numbered from 1 to 16, inclusive, and from 22 to 36, inclusive.

No cause was found by the committee for changing returns in the following 12 precincts, which in the aggregate give Robbins 300 and Aldrich 23:

No. of precinct.	Name.	Vote returned.	
		Aldrich.	Robbins.
3	Woodlawn	3	38
5	Harrells	0	18
13	Pleasant Hill	0	29
15	Portland (no election)	0	0
25	Liberty Hill	3	77
26	Bells (no contest)	8	3
27	Vernon	1	19
29	Browns	0	19
32	Elm Bluff	0	10
33	Carloville	6	35
34	Boykins	0	24
35	Mitchells	2	28
	Total	23	300

And the count stands: Aldrich, 474+23=497; Robbins, 300; and Aldrich's majority is reduced to 197.

This leaves 18 other precincts to be considered, as follows:

PLANTERSVILLE, NO. 1.

The vote returned gave Robbins a majority of 28, but the evidence (Pickering, Harris, Davis, Fulford) discloses that only one marker—one Oden—was appointed for all parties and that he was detected marking the ticket of one voter for Robbins after having been twice requested to mark it for Aldrich. The fact that he did this in one case raises the reasonable presumption that he did it every time he could get a chance, and vitiates the whole precinct. But deducting only that which is proved to be fraudulent, viz, 1

vote, the vote stands: Robbins, 54; Aldrich, 28; Robbins's majority, 26; and reduces Aldrich's total majority (197 less 26) to 171.

SUMMERFIELD, NO. 2.

Aldrich was given an inspector, Surles, but no marker or clerk. The returns gave Robbins 81, Aldrich 32.

One man under age, Moore, voted, whose vote deducted leaves Robbins 80. Tom King saw 35 or 40 colored voters who said they voted for Aldrich, and Surles, the inspector, voted for Aldrich; but for purposes of the count let returns stand Robbins 81, minus 1 illegal minor vote. Robbins 80, Aldrich 32; Robbins's majority 48; and reduces Aldrich's total majority (171 less 48) to 123.

VALLEY CREEK, NO. 4.

In this precinct the Republicans and Populists asked for the appointment of Charles W. Smith as one of the inspectors. This was refused, and J. D. Roundtree and S. F. Houston, white Democrats, and Llewellyn Phillips, a colored Democrat, were appointed inspectors. Phillips did not arrive at the polls until a short time after 8 o'clock, and his place was filled by the appointment of one Judge Thomas, a colored man who lived on T. C. Woods's place, and had been told in advance by Woods that he was wanted to act as an inspector. This same Woods was appointed returning officer. Woods was the only man who counted the ballots, while Roundtree and Houston kept the tally, instead of the clerks, who should have done so. The official returns from this precinct were—Robbins 158; Aldrich 44.

Aldrich was given a marker, Willis Kennedy, but was given no other representative in that precinct.

Eighty-five witnesses swore they voted for Aldrich and marked their own tickets; 12 witnesses swore they voted for Aldrich and that their tickets were marked by Jake Martin; Jake Martin testifies that he voted for Robbins; 24 other witnesses testified that they voted for Aldrich and that their tickets were marked for them by either Kennedy as official marker or by an inspector; Kennedy testified to having marked 48 ballots for illiterate voters, 16 of whom have already been credited to Aldrich, leaving sworn to by Kennedy 32. Total Aldrich vote, 153; Robbins proved 41; Aldrich's majority, 112; (Kennedy and several others do not appear upon poll list) and increases Aldrich's total majority (123 plus 112) to 235.

DUBLIN, NO. 6.

Returned: Aldrich, 0; Robbins, 24.

Here Aldrich was given an inspector, but he did not appear at the polls. The polls were not open between 8 and 9 o'clock, as required by statute. Aldrich's supporters gathered at the polls, but, being convinced that polls would not be opened, went away, whereupon 24 Democrats voted for Robbins, and Aldrich's majority is reduced (235 minus 24) to 211.

MARTINS, NO. 7.

In this precinct J. W. Richardson was appointed inspector on behalf of Aldrich. Returns: Aldrich, 1; Robbins, 90.

John Henry testified that he directed that his ballot be marked for Aldrich. Other than this the returns should stand. This would give Robbins 89, Aldrich 2; Robbins's majority, 87; and Aldrich's total majority is reduced (211 minus 87) to 124.

ORRVILLE, NO. 8.

Jordan Hatchers was asked for by Aldrich managers and refused as inspector, and Craig was appointed inspector, together with J. L. Edwards and James B. Ellis; Edwards and Ellis were white Democrats and Craig a colored Democrat. The returns were: Aldrich, 5; Robbins, 106.

Testimony of Lumpkins shows that Craig was appointed at suggestion of Joseph Evans, who was Robbins's manager. Aldrich had no representation at the polls. The law requires that two clerks must be selected before the opening of the polls (Alabama Code, 327), who must take the oath required by law (Alabama Code, 358). No clerks were selected and no oath taken (Ellis).

I have not fully yielded my assent to the views of the majority of the committee in throwing out the returns from this precinct. I am satisfied that fraud was contemplated here when the Aldrich managers were refused officers at the polls and that the returns are clearly dishonest and fraudulent. So far I am fully in accord with the majority of the committee. I have some question, however, about refusing to give the contestee credit for some 75 votes proved by him to have been cast for him at this precinct.

The theory on which a count of these proved votes is refused is that the very proof of them is part of a general conspiracy to defraud, having its beginning in the refusal of the appointing board to appoint inspectors and the refusal of the inspectors to appoint clerks and markers, by reason whereof it was known and understood that the colored voters would refuse to vote, knowing that however they might vote, their votes would not be honestly counted nor marked; and that, having refused to vote, upon a contest charging fraud, the returns being rejected, it was known and understood from the very beginning that all that it would be necessary to do would be to swear the voters who actually voted, the Republican voters having been driven by the obvious fraudulent intent of the board to stay away from the polls. There is reason and logic in this position, and perhaps it may be well to establish such a precedent.

However, it is proper to say in this connection that, the returns having been overthrown, Mr. Robbins made proof of 75 votes and Aldrich 12, which, for the reasons I have given, have not been counted. Their count or the refusal to count them has no decisive effect in this case.

I have gone through the poll list of this precinct and examined the evidence of each of the 75 witnesses sworn by contestee.

The majority of the committee have refused to count precinct 8, and the figures are unchanged.

LEXINGTON, NO. 9.

Here the Aldrich managers asked for the appointment of J. Gilbert Johnson, but the board refused to appoint him and selected one Simon Armstrong, a colored Democrat, to serve with Berry and Moseley, white Democrats. Armstrong had in previous elections proved his availability for fraudulent purposes, and there can be no question but that his selection on this occasion was with the deliberate intent of making fraud easy.

The returns from this precinct were: Aldrich, 3; Robbins, 54. Aldrich had no representation at this polling place. Johnson, and the man Moseley, who was appointed inspector, did not arrive at the polls until two hours after they opened. It is perfectly obvious that there was absolutely no check upon the fraudulent inclinations of those in charge. It is shown that if Aldrich had had representation there that day his supporters would have voted for him, but that they did not dare to vote because they knew their votes would be misrepresented, and that Aldrich would have had a majority of 200 votes if his supporters had dared to vote.

Aldrich proved 4 votes, 2 of which were proved in rebuttal time when they should have been proved in chief and have therefore been deducted, viz, Van Perry and Mike West.

Robbins proved 36 votes, and Robbins's majority, if counted in this precinct, would be 34 on proven votes. But upon the theory that representation was denied Aldrich at this precinct for the very purpose of enabling Robbins's supporters to exclude voters at the polls and count their own supporters by proof, the majority report of this committee throws out this precinct. If, however, a majority of 34 for Robbins were counted here it would not have controlling effect. The count stands, therefore, unchanged.

RIVER, NO. 10.

No vote. No election. Count unchanged.

PINE FLAT, NO. 11.

No vote. No election. Count unchanged.

T. B. Collins says polls not opened; that between 40 and 50 colored voters were there, who, when asked to indicate whether they were there to vote for Aldrich, all indicated they were there for that purpose.

OLD TOWN, NO. 12.

Returns: Aldrich, 0; Robbins, 56.

It appears here that the Aldrich managers asked for the appointment of Robert W. Smith; that he was appointed and refused to act. (Minter.)

This Robert W. Smith was the same gentleman who felt it incumbent upon him to cease to wear an Aldrich button because of the pressure of Mr. Robbins's political friends. There were no election booths at this precinct and tickets were marked openly. (Smoke.)

In my opinion this whole precinct ought to be thrown out because of the willful disregard of the election officers of the requirements of law as to election booths and the marking of ballots, ignoring the privacy which the law intends to guard, and that the votes should be counted only as proved.

Mr. Robbins proved 26 votes, 3 of which are doubtful.

By the testimony of William Houston it appears that only 2 colored men voted there that day, and that only about 20 voters entered that polling place, and yet Mr. Robbins is credited with 56 votes.

The majority report of the committee, however, counts Robbins's vote as returned, and gives Aldrich credit for none. Robbins's majority, 56, and reduces Aldrich's majority (124 minus 56) to 68.

RICHMOND, NO. 14.

Returns: Robbins, 21; Aldrich, 0.

Here an Aldrich inspector was appointed and the committee have counted the vote as returned. Robbins's majority 21, and Aldrich's total majority is reduced (68 minus 21) to 47.

CAHABA, NO. 16.

Returns: Aldrich, 54; Robbins, 127.

Here the Aldrich managers asked for the appointment of Samuel B. Mitchell as inspector, but his appointment was refused and one Ullmer, a rheumatic and disabled colored man, was appointed inspector to act with Blackwell and Donelson, Democrats. Aldrich was also given a clerk and marker here, but at the close of the

polls the Republican clerk and marker were ordered out while the vote was being counted. (Ullmer.)

The poll list of this precinct contains 183 names. Of these it is admitted that only 8 or 10 are white men. Pet Ullmer, marker, swore he marked 123 ballots of illiterate voters for Aldrich and that 40 or 50 colored voters marked their own tickets for Aldrich. Ullmer's statement as to these 40 or 50 voters is corroborated by Lewis, and it is admitted by contestee that Harrison and McCurdy would testify as did Lewis. The committee have no doubt that Aldrich should here be credited with 163 votes. Robbins proved 7 votes. Aldrich's majority, 156, and Aldrich's majority is increased (47 plus 156) to 203.

BURNSVILLE, NO. 22.

Returns: Aldrich, 44; Robbins, 83.

Here A. Thompson was appointed inspector, at the request of the Aldrich managers. The Republicans were also given a clerk and a marker. Thompson was a white Democrat who voted for Robbins. At the close of the polls one John F. Burns, who claimed to act as returning officer, but who had not been so appointed, insisted that the Republican clerk and marker should retire while the vote was being counted. A dispute arose, and it was finally agreed that the ballot box should be left in the hands of Inspector Thompson until the next day, so that the Robbins supporters might obtain instructions as to turning clerks out of the polling place while the vote was being counted. The box was not locked, and the next morning Mr. Thompson counted the ballots and found that there were 113 for Aldrich and 22 for Robbins. He put the ballots back into the box, and when the Democratic officials pretended to count the ballots they made return: Aldrich, 44; Robbins, 83. The committee believe Thompson and give Aldrich 113; Robbins made proof of 22; Aldrich's majority, 91, and Aldrich's total majority is increased (203 plus 91) to 294.

UNION, NO. 23.

Returns: Aldrich, 76; Robbins, 131.

Here the Aldrich managers asked for the appointment of John Logan as inspector, an admittedly reputable man; and no reason is anywhere assigned why he should not have been appointed. One Thompson was appointed, who did not appear, and then, finally, one Smith, a colored Republican, was appointed and served. No Republican clerk was appointed. One Waugh was appointed as Republican marker, and, having appointed him, the supporters of contestee in this case proceeded to impeach him to get rid of his testimony. Waugh swore that he marked for Aldrich 130; marked by Harrison, 2; as to the 40 other Republican votes claimed by Waugh to have been cast the proof is not as complete as could be desired, and although the committee are inclined to think Aldrich received these 40 votes, for abundant caution they have rejected them, and the vote stands: Aldrich, 132; Robbins, 34; Aldrich's majority, 98; and Aldrich's total majority is increased (294 plus 98) to 392.

PENCE'S, NO. 24.

Returns: Aldrich, 1; Robbins, 64.

Evans Bryant was appointed inspector on behalf of Aldrich, but did not serve; and one William Thomas, an illiterate colored man, who voted for Robbins, but had to have his vote marked in order to do it, was appointed inspector in place of Bryant. By testimony of Charles Brown it appears that about 15 names were fraudulently added to the poll list; 11 of these are persons shown not to live in the precinct. We allow Robbins the number proved, 44; Aldrich, admitted, 1; Robbin's majority, 43; and Aldrich's total majority is reduced (392 minus 43) to 349.

MARION JUNCTION, NO. 28.

Returns: Aldrich, 0; Robbins, 73.

Here Aldrich's managers asked for appointment of W. J. Gilmer, chairman of Populist party of that precinct, as inspector. This request was refused without reason, and an illiterate colored man, who voted for Robbins, was appointed. One Goldsby testifies that there were only 34 white voters in the precinct, and that only 8 colored voters entered the polls that day. This, however, did not deter the inspectors from having a poll list of 73. Robbins proved 39, Aldrich none; Robbins's majority, 39, and Aldrich's total majority is reduced (349 less 39) to 310.

KINGS, NO. 30.

Returns: Aldrich, 0; Robbins, 52.

Here the Aldrich managers asked for the appointment of J. J. Jones as inspector. This appointment was refused without reason assigned, and finally Willie Towns, a colored Democrat, received the appointment. Aldrich had no representation. The proved vote is: Robbins, 12; Aldrich, none; Robbins's majority, 12, and Aldrich's total majority is reduced (310 less 12) to 298.

SMYLEYS, NO. 31.

Returns: Aldrich, 3; Robbins, 41.

R. C. Sewell, an inspector, testified that only between 9 and 12 men voted all day. He enumerates the men who were there and voted. We are satisfied that the returns are discredited by this testimony. But inasmuch as it was taken in rebuttal time, when it should have been taken in chief, in strict fairness the committee have rejected it and have allowed the returns to stand: Robbins, 41; Aldrich, 3; Robbins's majority, 38; and Aldrich's total majority is reduced (298 less 38) to 260.

In Orrville, No. 8, if Robbins be credited with 75 proved votes and the failure to appoint inspectors be not considered as a part of a conspiracy to commit fraud, then Robbins's vote would be increased by 75.

In Lexington, No. 9, if Robbins were credited with 34 votes which have been denied him for the same reason assigned as to Orrville, No. 8, his total would be increased by 34. Orrville, 75; Lexington, 34; total, 109.

In Old Town, No. 12, however, if the returns are thrown out and the proved vote counted, Robbins would be reduced by 30. This would increase Robbins's total vote by 79.

As to Aldrich, if he be credited with 40 votes, testified to by Waugh, in Union, No. 23, and 25 votes, sworn to by Moore, in Selma City precinct, Aldrich's vote would be increased by 65, so that the total result would be changed but little by taking into consideration and counting these votes which the committee have rejected.

CONDITIONS SURROUNDING TAKING OF TESTIMONY.

Something has been said on the other side of the House about a campaign button. A gentleman came up from Oldtown by the name of Robert Smith, who had an Aldrich button on, and some of Robbins's supporters said to him: "The boys have made up their minds that no more Aldrich buttons shall be worn by either whites or blacks." So that Smith, being a discreet person, was induced to remove the button.

Now, the wearing of a campaign button is a harmless sort of decoration, but a social condition that dictates to a man what kind of a button he shall wear approaches a condition of tyranny and makes a man want to stick campaign buttons all over him and protect his privilege with a Gatling gun. [Laughter and applause on the Republican side.] We shall never have the right kind of a government while such a condition is fostered and upheld, and still we have the curious anomaly of gentlemen coming up here to defend it. There was the case of a man who was killed right after the election. Killed! Why? Because he was a supporter, as I understand, of Aldrich—because of "hatred engendered by his political position."

Mr. BARTLETT. Oh, I hope the gentleman will not make that statement——

Mr. HAMILTON. The testimony—and the only testimony on that point—by one witness was that he was shot because of a feeling aroused on account of his having been a supporter of Aldrich.

Mr. BARTLETT. That was only the opinion of a witness who did not see the shooting and was not present.

Mr. HAMILTON. That is the statement of the witness. The man languished until the 26th of December, the day after Christmas, the day of "Peace on earth and good will to men," and finally died. There was another occurrence there. I do not state this for the purpose of inflaming feeling, but because it has been commented on unfairly on that side of the House.

This gentleman, Aldrich, went into Selma to open his court so that he could take testimony. But he could not take testimony. I hate to allude to this; I do not want to say much about it, but it has been alluded to on that side of the House. He went into the Hotel Albert on the evening of January 14, 1898. There were gentlemen sitting around the fireplace, among them the gentleman from Alabama, Mr. Robbins. When he went in the gentleman from Alabama advanced, called him aside, and called his attention to something in a paper, and then struck him. The encounter was all one-sided, because while Robbins struck Aldrich as fast as he could, Aldrich simply protected his face with his hands from his blows. Then a friend of Aldrich, his attorney, Mr. Dryer, advanced to interfere, but was confronted by Mr. Joe Evans, clerk of the Selma city court, a smooth-faced gentleman, with a cocked revolver, who suggested to him that it would be just as well to desist.

Another gentleman, Mr. Deans, Aldrich's manager in Dallas County, said he would like to have interfered in the interest of fair play, but when he advanced he was met by a cocked pistol in the hands of another distinguished gentleman, whereupon, Mr. Deans looking around saw other gentlemen with cocked revolvers, and they stood there while the proceedings went on, until Mr. Joe Evans, who was presiding on this interesting occasion with his cocked revolver, courteously inquired of Mr. Aldrich, "Have you had enough?" And Mr. Aldrich was obliged to say that he had.

That is the atmosphere of public opinion which surrounded this man when he attempted to take testimony in his case there. That is why he had to go into another county to take his testimony. That is why they talk about "pig tracking" witnesses, because they had to take these witnesses into another county to get their testimony to be used in the hearing of this case. Now, gentlemen, I do not allude to this except in answer to what has been said on the other side. That fight must have been a great disappointment

to the coroner and other distinguished gentlemen connected with the local political situation. [Laughter.]

THE RACE PROBLEM.

All this is made possible, nay, all this is invited, by the ignorant and illiterate condition of the colored people down South; and so long as that condition continues to exist, cases like this will continue to come up here year after year for settlement. This is a case that calls for our careful consideration, a case which rises above mere partisanship. It rises into the atmosphere of a great social problem.

Sir, my attention has recently been called to a very able discussion of this race problem by Prof. Booker T. Washington, himself a splendid illustration of what a colored man can do for himself and for others under our free institutions.

No man patronizes him; no man tampers with his vote. In the domain of thought he sits high among the men to whom the color of a man's skin is but an incident.

Some men in public life are like soap advertisements in a grocery window. Approach them from one direction and they read one way; approach them from another direction and they read another way; approach them from the front and they read still another way. [Laughter.] But Professor Washington has never borne one message to the colored people of the South, another message to the people of the North, and another message to the white people of the South. He has always been consistent. He is admitted by you Southern men, I think, without dispute, to be an intelligent, high-souled gentleman, who is operating for the best interests of his race as well as of the white people.

In his recent work on the Future of the American Negro in America, Professor Washington calls attention to some of the fundamental difficulties of this race problem. It resolves itself into two parts: First, how to make the colored man in the South self-supporting and progressive. Second, how to adjust the relations between the white and colored people of the South on a better basis.

He urges the need of industrial as well as other education and discipline.

He regards education as more important than political reforms.

He calls attention to the fact that under the old slave conditions there was a certain kind of industrial and mechanical training; then slavery was swept away, and an attempt was made to build upon the old slave conditions a system of education which did not sufficiently take into consideration the condition of the people whom it sought to benefit.

The colored people celebrate August 1 up in my country. Last August I was called upon to make a speech. There was another speaker—a colored man, who held forth with fervid eloquence on what he called "the wrongs" of his people. Afterwards, riding with an old colored preacher of my town, named Julius Cæsar, I said, "Mr. Cæsar, what do you think is the solution of this race problem?" "Look here, Mr. HAMILTON," he said, "I think that when the colored man gets an education and gets skill as a workman and gets some property, then the white men and other people begin to want him; and the colored man will rise in proportion to his ability—just like everybody else."

This view is indorsed by Professor Washington. He supposes the case of a colored man who has a business of $10,000 a year with a railroad company. He says, "Do you suppose that when that black man takes his family aboard the train they are going to put him and his family into a 'jim-crow' car and run the risk of losing that $10,000 a year? No; they will put on a Pullman palace car for him."

Now, this regard for material conditions runs through all classes and colors and conditions, from the barbarian who stood well because of his wealth in wampum and cowry shells, and the Virginian settler who was able to obtain the bride of his choice because of his wealth in plug tobacco, down to the present time when some young woman marries some degenerate descendant of so-called foreign aristocracy and advertises her wardrobe.

This thing runs through all conditions. There was the case of my old friend Jones. Said he, "De fust year things were middlin' prosperous, and I was able to put down $25 for de benefit ob de church, and dey called me 'Deacon' Jones: de next year things wa'n't so prosperous and I done give 'em $10, an' dey called me 'Mister' Jones; de next year I was mighty hard up and I didn't give 'em anything, and dey called me 'Old Jones,' and I quit 'em in disgus'."

Now, Professor Washington tells how, about ten years ago, a young man came up from one of the plantation districts to Tuskegee. After finishing his course he went back home to take up his work among his own people, whom he found as he had left them, living in one-room cabins, in ignorance and in debt, and paying exorbitant interest, their only school in a log cabin for three months in a year. He went to work, and Professor Washington sums up the results of his splendid work as follows:

I wish you could look into the faces of the people and see them beaming with hope and delight. I wish you could see the two or three room cottages that have taken the place of the usual one-room cabin, see the well-cultivated farms, and the religious life of the people that now means something more than the name. The teacher has a good cottage and well-kept farm that serve as models. In a word, a complete revolution has been wrought in the industrial, educational, and religious life of this whole community by reason of the fact that they have had this leader, this guide and object lesson, to show them how to take the money and effort that had hitherto been scattered to the wind in mortgages and high rents, in whisky and gewgaws, and how to concentrate it in the direction of their own uplifting.

Why, my friends, it seems to me that all the members of this House on both sides—every man who helps to make public opinion—instead of trying to beat the colored man out of his vote ought to try to stand with such men as Booker T. Washington to give the colored man his right to build himself up, to make an American citizen of himself, and to act for his best interests. [Applause.]

Sir, I am compelled to give my vote for the unseating of Gaston A. Robbins and the seating of William F. Aldrich in this case—not for personal or partisan reasons, but because I believe the evidence compels that decision. I regret the disappointment which such a vote must cause. But I desire to say in closing that it is not of so much importance who occupies the seat in controversy here; it is not even of so much importance how the colored man votes—whether he votes the Democratic or Republican ticket. The important thing is that the colored man shall be permitted to vote just once and to have his vote counted as cast, and that the white man shall not be corrupted year after year by lying returns and dodging the law, and that the colored man shall not be held in degradation year after year by being used as mere material out of which to falsify returns. [Loud applause.]

Mr. BARTLETT. Do I understand from the gentleman from Illinois that I am to proceed now as was originally contemplated?

Mr. MANN. I hope the gentleman from Georgia will now occupy such time as he may desire.

Mr. BARTLETT. Mr. Speaker, the most eminent of the chief justices of England had, prior to his elevation to the bench, been for a long time a most vigorous and relentless solicitor and attorney-general for the Crown, and had permitted himself on many occasions to exhibit the most bitter partisanship toward the accused—partisanship such as did not become the high office he so ably filled; yet, when he took upon himself the oath of office as chief justice he announced as a motto of his administration of the duties of that great judicial position, "Audi alteram partem;" and in the discharge of the duties of his judicial office no decision was rendered until the other side—until both sides—had had an opportunity of a fair and impartial hearing. How unlike that rule of conduct, adopted by the great chief justice, must appear the conduct of both sides of the House in these contested-election cases. They seem to conclude that instead of hearing the other side or both sides, to hear neither, and to form their opinions solely upon questions of personal favor or political policy or expediency. They adopt the motto, "Audi nullam partem."

Mr. Speaker, it is unfortunate that these cases, which, in the early days of the Republic, were decided according to the evidence offered by the parties and according to the law, with due regard for the rules of evidence laid down and established by the law, when the evidence and the law and not party demands were the guide, should now be considered as mere matters of personal favor or political expediency. I do not mean to charge that such has been done by the majority of the committee in this case or that the House will so determine the case now before us. I do not mean to charge that a question of this magnitude will not be considered by the House upon its merits and with a due sense of justice.

But how can members of the House who have not heard, who will not listen, and who refuse to hear, justly decide a question like the one pending here—a question involving, as it does, the highest privilege of a member in this House—the right to his seat; and not only that, but the dearest right of the American citizen—the right and privilege to have his chosen representative retain his seat here to which the people of the district have elected him. If we are not to determine these questions when a contest shall arise not only upon the law and the evidence, but absolutely and impartially and without regard to any partisan or other consideration excepting those involving the right and truth of the case, then why waste the time of the country and the House to discuss them? Why not arbitrarily pass the resolutions of ouster at once and boldly declare that the vote is given because the partisan demands require it?

I believe, Mr. Speaker, that to the few members present who do me the honor, and the committee the honor, to hear me and listen to the argument in this case, I shall demonstrate as a mathematical problem the injustice of this contest and the right of the contestee to his seat on the admitted evidence adduced and found in the record of this case, to which I have devoted a great deal of attention and careful search and patient investigation. I had hoped that at least those who would listen to me could not fail to recognize the absolute right of the contestee to his seat, the proof of which I am about to submit.

I had also indulged the hope, sir, that, in this the year 1900, a

contested-election case involving the greatest right of American citizenship and of the highest privilege in this great representative body of the people might be considered by some—by many, by all, in fact—as a nonpartisan, as a judicial matter to which men of all parties might bring their best thought, and by their votes and impartial judgments establish the proposition that these questions should be and must be nonpartisan in character, and so decided. How else should questions of fact and questions of law be determined?

I want to say that no word that I may utter is intended to reflect upon any member of the House or upon any one of my colleagues on the committee.

I feel sincerely, I know absolutely, that their conclusions are erroneous, not sustained by the evidence, not justified or upheld by the well-settled principles of law; but that is a matter of judgment. I am not here to censure or denounce, but to criticise and demonstrate their error, if I can. I shall be earnest, for that is my nature; but in that earnestness I shall have no intention to be offensive. But I shall endeavor to criticise the report of the majority in a fair, legitimate, and judicial way, without any personal strictures or harsh comments upon the views of the majority of my colleagues, for whom I have the highest personal respect and esteem.

I shall call attention in the course of the discussion to what I regard as the discrepancies and errors, to the failures in the report to present to the House the truth of the case as I understand it from the record. I shall, I repeat, criticise that report; but, Mr. Speaker, I shall under no circumstances undertake to denounce or condemn the gentlemen for the opinions entertained honestly, no doubt, by my colleagues on the committee. [Applause.] Nor shall I condemn the action of those gentlemen on the majority side because they have not brought before the House in the report now presented all the material facts of the case at bar, nor stated the evidence which must destroy their contention. But I shall present to you my opinions and my views, derived from a careful study of the evidence, which are directly at variance with those which they ask you to accept.

I will not say that the evidence presented by the other side and the rule laid down by them, if sustained, do not, taken together, justify the conclusion to which they have arrived; but I do say that no committee, no matter how partisan, that no member of this House who desires to consult his conscience and accept the conditions which that conscience would impose, should ask this House to violate every rule of evidence which has been established by decisions of courts and affirmed in previous election contests, as I insist has been done by this report; I only insist that you, the members of the House, shall decide this contest with a due regard to these admitted and established principles of law and the evidence presented for our consideration in this case.

I have not time, Mr. Speaker—I regret very much that I have not, nor do I deem this the proper occasion—to reply to the speech of the gentleman from Nebraska [Mr. BURKETT], delivered evidently for home consumption, in relation to the conditions at the South, and by other gentlemen on the opposite side of the Chamber. What business have such speeches here at such a time as this? Due regard for the proprieties, it seems to me, would have prevented their use here. I had thought that the day of waving the bloody shirt in this country was passed and gone forever. That had been my hope. I had thought that the views and conduct of the older—of the oldest and ablest—members of this House had been such as to prevent an exhibition of any such littleness as that. I had thought that the war of sections was over, and that recent events showed that we had a united and not a divided country; that hate and animosity toward the sections had passed away.

But it was reserved to my friend the new member from Nebraska [Mr. BURKETT], with his judicial, affidavit-looking face and stentorian voice, to resurrect the bloody shirt and wave it again. I had been led to hope and believe that the efforts to array the sections had long since been abandoned. The older members of this House had set the honorable example of letting the dead past rest. But the gentleman from Nebraska has again seized the worn-out sword of sectionalism, which older and more experienced men had gladly laid aside, and now brandishes it in this case, when all should at least make the effort to determine the questions involved calmly and impartially.

I have no reply to make to him here and now. I beg to say, however, that it was not becoming in him, in the exercise of that high prerogative he enjoys as a member of this House, in presenting this contested-election case to stir up the embers of a spirit fast dying out, and to arraign the entire section of the country from which I have the honor to come, and to announce that he is ready to overturn the decisions of the people of the States he mentioned, by the arbitrary will of Congress, in 86 other Congressional districts. In his cooler moments I believe he will regret it. I am loath to believe that he can gain any political advantage amongst his own people by such means. Let the "bloody shirt" rest; let the broken and battered blade of sectionalism be left idle in its scabbard. To quote the familiar lines from Hudibras:

> The trenchant blade, Toledo trusty,
> For want of fighting has grown rusty,
> And ate into itself, for lack
> Of somebody to hew and hack.

Mr. Speaker, the gentleman, in his calmer moments, and when he has been here a little longer, will realize that these things are of the past, are gone forever, we hope, and once more, in spite of bloody internecine war, in spite of the great strife and civil discord, and the animosities engendered thereby, in spite of the wrongs inflicted by one side and endured by the other, those of us from the North and those of us from the South can stand upon this floor and proclaim that we believe in verity and in truth that in the common grave of the Northern and the Southern boys who fell in the war with Spain "this bloody-shirt business," this assault of the South upon the North and of the North upon the South, is buried, and we trust buried forever.

Are we strangers to you, gentlemen on the other side? Is there any reason why assaults like these should be made? Why, sir, even at the risk of occupying my time to the exclusion of other things, let me recall a few historical facts, not old but recent. Sir, I was one of those who witnessed that scene here in the Fifty-fifth Congress, when every member demanded a roll call that he might go down upon record in that patriotic outburst when we gave to the President of the United States $50,000,000 to do what he pleased with it, in order to vindicate the honor of America and to free Cuba. And when that war came, Mr. Speaker, and volunteers were called for by the President, what was the sight which was witnessed by monarchs and kings and by those who had predicted that the American Republic would perish from the face of the earth because the North and the South had once been arrayed in conflict, one against the other?

Why, sir, the Southern States answered the call of the President for volunteers promptly and patriotically. The State of Georgia was the ninth State in the Union which filled her quota of troops, and she sent more soldiers according to population, I am informed, than any other State in this Union. Georgia, Alabama, and all the States of the South hurried with their offerings, with their children, and their treasure to lay them upon the altar of their common country. Let me recall an incident of how our boys fraternized with yours, Mr. Speaker. At Knoxville were encamped the First Georgia and the Thirty-first Michigan, a regiment from my friend's own State. Those boys lived side by side in camp and marched side by side on the march, and each held up gallantly and gladly the common emblem of our common country.

When the President came to review them they mingled together, and one company of the Georgians next to a company of the Michigan regiment, and there the President of these United States and the members of his Cabinet beheld marching side by side as one regiment the intermingled companies of the First Georgia and the Thirty-first Michigan. And when the First Georgia was mustered out before the Thirty-first Michigan, a number of young men from my own town were so devoted to the friends they had made in the Thirty-first Michigan that they reenlisted and went off with them. [Applause.] These young Michigan officers and soldiers would not to-day, I am sure, indorse the words of my friend from Michigan in which he arraigns the people of the South.

Yes, Mr. Speaker, let me recall other reasons why our brethren from the North ought not to be forever denouncing us on the floor of this House, even if it be only for home consumption. On the 1st day of May, 1898, there rode into the harbor of Manila the American fleet, upon the bridge of whose flagship stood the immortal Dewey. Ere the sun had climbed to the zenith there was achieved a naval victory the equal of which has scarcely ever been seen and the superior of which the annals of the world do not record.

Side by side with that gallant commodore, now the Admiral of this country's Navy, stood a Georgian born, who rode with him upon that battle ship through the storm of battle, and when the Stars and Stripes went up over Manila for the first time it was at the request of Admiral Dewey that Brumby, a Georgia boy, ran up Old Glory above Manila. [Applause.] He died in this city a few weeks ago, and the Admiral, who had recommended him for promotion, who loved him as he did his son, stated to me and has stated in the press that he died from disease contracted in the performance of his duty.

When the first effective shot was fired at an American ship from a Spanish battery upon the deck of our gunboat, the first blood that flecked the waves that wash Cuba's shore and the first life that went out as an offering upon the altar of our country was that of a son of the South, the heroic young Bagley.

Further than that, when our fleet lay at the mouth of Santiago Harbor, before the Spanish fleet came out and when men were wondering how that fleet could be bottled up, whose mind conceived, whose bravery suggested, and whose gallantry carried out

the idea of sailing an American ship through shot and shell to sink it in the narrow mouth of the harbor?

The whole country and the whole world rang with the praises of the daring and bravery of Hobson and his six gallant men. He was an Alabamian, living next door or in the next county to the contestee. His name is written upon the glorious pages of the history of his country; and yet the people who produced a man like that, his associates, his brethren, are to be deprived of their right to be represented in this body in response to the assault made upon them by gentlemen upon the other side, who denounce as peculiar and wrong and infamous their method of conducting an election and the election laws passed by the Southern States, and that, too, in behalf of a contestant whose real political status is of a mixed and grotesque character—who is neither a full-fledged Republican, nor Populist, nor Greenbacker, but a Free-Silver-Republican-People's-Party-Populist-Greenbacker.

More than that. On the 3d of July, after that fleet had come into the open, and the immortal Schley, ever on the watch, a Southern man, steamed after it, and one by one ran them down and sunk them, there stood upon the bridge of the *Brooklyn*, unprotected by armor or anything else, a man who, cool-headed and brave, guided it through all the fight—the chief naval navigator. He was a Georgian born.

When our conflict was raging at San Juan Hill, early in the battle, when we were startled and anxious for fear our troops had been repulsed, when it was stated that a retreat had been determined on, whose mind guided, whose advice was followed in connection with the brave Lawton and Bates? Who was the man that, although weakened by disease and racked by pain, led at least a part of the American forces up that hill and helped to gain the victory? An Alabamian! I need not mention his name. At that time he was a member of this House, and has again been elected.

In the far-off Philippines when that gallant, brave, and chivalrous old soldier, whose bravery and devotion to duty was only equaled by his quiet manner and modesty, General Lawton, was killed, there stood by his side a Georgia captain who, though shot and wounded, remained at the head of his company and led them against the enemy until the foe was dispersed, and for this gallant act he was recommended by his commander for promotion, and has been promoted. I refer to Capt. O. T. Kenan, of my own city. Search the records of the War and Navy Departments and there you will find that the reports from the front are ablaze with the deeds of bravery of Southern men who are fighting the battles of our common country. At Malabon Lieut. Emory Winship, of the Navy, a native of my own city, though five times wounded, heroically continued to fire his gun from his vessel until every one of his men had returned from the shore and were safe aboard.

But why multiply instances? Many a young and glorious life of our Southern boys has gone out in the past few months in battle in the efforts of our people to sustain the dignity of our country and the glory of our flag.

How different from this wail of my young friend from Nebraska in his attack upon our people are the manly and noble words of the President of these United States when he, addressing the legislature of Georgia in December, 1898, said:

> Sectional lines no longer mar the map of the United States; sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five States and our Territories at home and beyond the seas. The Union is once more the common object of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace, with new glories which your sons and ours have this year added to its sacred folds. Every soldier's grave made during our unfortunate civil war is a tribute to American valor.
>
> And while these graves were made we differed widely about the future of this Government, the differences were long ago settled by the arbitrament of arms, and the time has now come in the evolution of sentiment and feeling under the providence of God when in the spirit of fraternity we should share with you in the care of the graves of the Confederate soldiers.

When all these recent things have occurred; when our boys and our young men rushed with yours at their country's call and locked arms with your sons and boys, and stood by their side in the strife, going down to the death with yours on the battlefield or in the hospital; yet when these cases are to be decided, coming from the South, you say you do not like our election laws, and the fresh young Representatives assail us, and you are asked by your votes to indorse the slanders.

Gentlemen, you may do so; that is your privilege; it is not your right. I know that there are a great many men, Mr. Speaker, like the gentleman from Nebraska, who, if they had been at the beginning of creation, would have taken a hand in making some useful suggestions as to how the Creator might have bettered the universe; and I apprehend that if my friend from Nebraska [Mr. BURKETT] had been there, he would have made suggestions to the Creator as to how He could have benefited the universe and made it better than He did; but we must deal with things as they are.

Coming down, then, Mr. Speaker, to the case, I ought not probably to have taken this much time to have said this. It may be read some time, and there are some who listen. May I be pardoned if I tell an incident, as story telling seems to have been a large part of the argument of my friend from Michigan [Mr. HAMILTON]? This performance reminds me of what occurred before a justice of the peace, and its application might be made to either side or both sides. An old justice of the peace in one of the wire-grass counties in Georgia was hearing a case. One man had argued for a long time, and another was proceeding to argue, evidently intending to consume some time.

There had been a very dry time of it in that section, and, a shower of rain coming up, the justice of the peace was very anxious to go out and set out his potato slips, and he finally said to the lawyers, "Hold on a minute; when you get through with the argument you will find the judgment already wrote out in the back of the docket." [Laughter.] Now, I am almost afraid that when I shall have gotten through with my argument and my friend has gotten through with his, that incident will be equally applicable to both sides—the judgment has already been rendered. So, Mr. Speaker, if I thought that were really true, if the case is to be decided simply by the prejudgment of it, whether right or wrong, I would not attempt to proceed further; but, Mr. Speaker, believing, as I have good reason to believe, there are those who are interested enough in doing that which is fair and just and in accordance with the evidence, whether that be for unseating or retaining the contestee, I shall proceed.

This question rests upon the charges that the voting in every precinct in this county except one was fraudulent and that the vote was fraudulently cast and counted in many precincts. It was the same identically, and copied almost word for word and letter for letter, figure for figure, until they come to the City beat, with the two other former contests here. Why, the contestant has got a machine down there for contesting these cases in which he grinds out the notices of contest, and not only does he grind out the notices of contest, but grinds out through his machine bought evidence, as I will show to this House, upon which the committee have concluded that the vote shall be excluded. I make the assertion, and I do not believe it will be controverted—I know it can not be contradicted from the evidence—that the result in this case depends upon three precincts—Orrville, Cahaba, and Union.

In these precincts contestant offered as witnesses Andrew King, Pet Ulmer, and Jackson Waugh, three negroes, one in each precinct, and their evidence is the only evidence relied on to impeach the returns. The first two afterwards renounce their former testimony; admit that it was false; and the third, Jackson Waugh, is overwhelmingly impeached by proof of bad character and that he is unworthy of belief under oath. The majority of the committee in their report say, on page 12, that he was impeached. Here is your own report:

> Some of the witnesses for the contestee swear that they think Waugh's character is bad and that they would not believe him under oath.

The contestant's case depends upon this evidence; without the evidence of all three his case must fail, as it depends upon this perjured testimony. Remove it, and the case falls.

Let us consider these three precincts and determine from the evidence, as reported by the majority, whether this case depends upon them.

At Orrville precinct, No. 8, the contestant received by the official returns 5 votes and the contestee 106 votes. The majority exclude the poll entirely and refuse to count any votes, although on page 9 they find that Robbins proved 75 votes and Aldrich 5. The only witnesses offered by the contestant to impeach this precinct were Andrew King and Simon Raiford. Simon Raiford was the Republican chairman for that beat, and only testifies that he voted for Aldrich. Andrew King, on page 164, testifies that he was a marker at this precinct, and that he marked 9 ballots for Aldrich besides his own, making in all 10 ballots. Of this number, so alleged by him to have been marked for Aldrich, 4 were produced on the stand and swore that they voted for Robbins; the names of two can not be found upon the poll list, and he is not only contradicted by these four witnesses, but by the election officers, who swear that there were 114 votes cast in all, that 5 were cast for Aldrich and 106 were cast for Robbins, and 3 were defectively marked.

Andrew King again appears as a witness on the 5th of April, 1899, and on pages 664–665 of the record he testifies that he is the same witness who testified on behalf of the contestant with reference to the Orrville precinct; that he did not vote for Aldrich, but voted for Robbins; that he did not mark any tickets for Aldrich at Orrville precinct on the 8th of November, 1898, although he had sworn on a previous occasion that he marked 10; that he was induced to swear to these facts because Simon Raiford, the Republican chairman of the Orrville beat, told him that he would be paid $7 per day, and that he would be gone three days; that he did not mark a single ticket at Orrville on election day for Mr. Aldrich, and retracts every word that he testified to on a previous occasion with reference to his marking any tickets for Aldrich at the election.

I assert that it can not be shown from the record that any other witness attacked this precinct. If my assertion as to his testimony is denied, I request gentlemen on the other side to deny it now.

If this precinct stands as it should, and is not destroyed by the testimony of Andrew King, confessedly false as it is, then there should be added to the vote of the contestee 106 votes, which reduces the majority found by the committee for Aldrich to 100.

The following is the testimony of Andrew King, referred to above, given on the 5th of April, 1899:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?
A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.
Q. Are you the same man that testified at Stanton in this case?
A. Yes, sir.
Q. Did you or not testify at Stanton that you voted for Aldrich?
A. Yes, sir.
Q. You were marker here that day, were you not?
A. Yes, sir.
Q. Did you mark any tickets that day for Aldrich here?
A. No.
Q. How many did you swear at Stanton that you marked for Aldrich?
A. Ten.
Q. What induced you to go to Stanton and swear to those facts?
A. They said that I would be paid.
Q. Who told you you would be paid?
A. Simon Rayford.
Q. How much did they promise you?
A. They said I would get $7 per day and be gone three days.
Q. Who else induced you to testify that way?
A. No one else.
Q. Did or not Green Korneaga talk to you before you were put upon the stand at Stanton?
A. I don't know him.
Q. Is it a fact that you did not mark a single ticket here that day for Mr. Aldrich?
A. Yes, sir; it is a fact. I did not mark one single ticket for Mr. Aldrich here that day.

Let us take up the next precinct, Cahaba. At this precinct the returns were 54 for Aldrich and 127 for Robbins. The only witness who in any manner attacks the sereturns is one Pet Ulmer, who testified on the 9th day of February, 1899, when offered as a witness for the contestant, that he was a marker at that precinct; that he marked 123 ballots for Aldrich, and that these tickets were voted, and that there were 40 Republicans who voted there that day who could mark their own tickets; and the report of the majority of the committee give to the contestant at this precinct 163, and count them for him, which is 109 more than was returned for him, and they allow Robbins only 16 votes, when the returns show 127 for Robbins, thus depriving him of 111 votes, and giving to Aldrich 109.

At this precinct Robbins had 73 majority by the returns, and by the report of the committee Aldrich is given a majority of 157, which would make a difference in Robbins's vote of 120. If the testimony of this witness is not reliable, and this precinct is permitted to stand as returned, then this precinct and Orrville, just discussed, would overcome the majority found for Aldrich.

On the 25th of March, 1899 (on page 742 of the record), this same witness, Pet Ulmer, testified that he does not know how many tickets he marked for Aldrich at that precinct; that he kept no memorandum that day; that the reason he said he marked 123 ballots was because Green Cornegie asked him just to say that he marked 123, and that the list he swore on a former occasion he kept that day he got up after the election at the suggestion of Green Cornegie.

I read the testimony of Pet Ulmer upon this point, given on the 25th of March, 1899:

Q. Were you examined at Stanton by the contestant?
A. Yes, sir.
Q. What, if any, official position did you hold at Cahaba last November?
A. Marker.
Q. Do you or not remember how many tickets you marked that day for Mr. Aldrich?
A. I don't know how many there were.
Q. Did you or not keep any memorandum that day?
A. I did not.
Q. How many tickets did you testify to marking for Mr. Aldrich when at Stanton?
A. I think it was 122 or 123.
Q. Why did you say then that you marked 123 for Aldrich?
(Counsel for contestant objects to this question and moves to exclude the answer, for it calls for the reason of the witness and not the facts.)
A. Green ask me how many there were and I told him I did not know; that I had gotten up a list after the contest and had left the list at home.
Q. Was that Green Cornegie that you speak of?
A. It is.
Q. What did Green then say to you, if anything?
A. He ask me did I have any idea how many there were, and I told him some hundred odd, and he then said, "You can just say 123."
Q. Did you or not keep account on the day of the election how many you marked?
A. I did not; I did not have time.
Q. When did you get up that list you mentioned?
A. About two weeks after the election.
Q. Was it from that list that you got up that you based your estimate upon?
A. Yes, sir.

And this is the testimony and the character of the witness that is accepted by the majority of the committee to overturn the returns from this precinct.

The next precinct is Union, No. 24. At this precinct John H. Smith, the colored Republican chairman for that beat, was appointed inspector, and Jackson Waugh, at his request, was appointed marker. At this precinct the returns give Aldrich 76 and Robbins 131 votes. The only witness offered by the contestant to impeach these returns is Jackson Waugh, who swore that he marked 90 tickets, commencing at 11 o'clock, for Aldrich, and that he kept an account or memorandum of them, and prior to 11 o'clock he supposes he marked 40, and the committee reject the returns and count for Aldrich the number of votes this witness swears he marked for him.

It will be seen that the committee deprived Robbins of 97 votes at this precinct, and gave to Aldrich 54 more than were returned, making a difference against Robbins of 109 votes. If this precinct is permitted to stand, together with the other two I have just discussed, then the majority found by the report for Aldrich not only disappears, but we have a majority of more than 200 for Robbins, even if the report of the majority is accepted in all other respects. This witness is contradicted by Kent West and Willis Smith, clerks appointed at the request of the Republicans, and by the three Democratic election officers, and it is testified by three citizens of that precinct that Waugh is of bad character and unworthy of belief. Besides, nine colored voters, whose votes he swore he marked for Aldrich, appear upon the stand and swear that he did not mark their tickets for Aldrich, but for Robbins, and that they voted the tickets for Robbins so marked by him.

The testimony of this witness is unworthy of credit, because, when called upon to produce the list which he claims to have kept on the election day, he said that he had left it that morning at Selma, and the list has never been produced or offered to be produced. It is a bare fiction. Besides, it was shown by witnesses who were present at the election that he kept no list that day and did not pretend to keep one; and he is impeached as being a man of bad character and unworthy of belief. Witness J. A. Carson, on page 755, swears as follows with reference to his character:

Q. Do you know the general character of Jackson Waugh in the community where he lives for truth and veracity?
A. Yes, sir.
Q. Is that character good or bad?
A. It is not good.
Q. Would you or not believe him on oath?
A. No, sir.

J. J. Townsend, on page 757, swears as follows with reference to his character:

Q. Do you or not know the general character for truth and veracity of Jackson Waugh in the community where he lives?
A. I do.
Q. Is his character good or bad?
A. My opinion is it is very bad.
Q. Would you or not believe Jackson Waugh under oath?
A. I would not.

And J. F. Orr, on page 759, swears as follows with reference to his character:

Q. Do you or not know the general character of Jackson Waugh for truth and veracity in the community where he lives?
A. I do.
Q. Is his character for truth and veracity good or bad?
A. Bad.
Q. Would you or not believe Jackson Waugh on his oath?
A. I would not.

Not a witness is offered and no effort is made to sustain the character of Jackson Waugh. Abundantly and overwhelmingly impeached as he is, the majority of the committee have accepted his testimony in preference to that of two Republicans and three Democrats and nine negro voters and three respectable white men, who impeach his character.

I can not discuss these other precincts, but the testimony offered by the contestant is on a par with that offered in these three precincts. In nearly every case they are ignorant, vicious, uneducated negroes, who have been drilled and instructed what to say, and upon whose testimony alone, although contradicted, not only by the solemn returns of the election officers, but by testimony under oath of respectable white citizens, the various precincts have been rejected by the majority of the committee.

Time forbids me to discuss all, but I desire to call attention to the City precinct, and first as to the law. The majority reject this precinct because no Republican clerk was appointed. The evidence shows that no clerk was requested to be appointed by the Republicans at this precinct, but they simply requested a marker, and that request was granted. Had a clerk been requested, the inspectors swear that one would have been appointed. The contestant had appointed at this precinct the inspector he requested, and the evidence shows that this inspector received the ballots, and that when they were counted he inspected each one of them. This is testified to by the two Democratic inspectors and is not denied or disputed by the Republican inspector, who for some unaccountable reason, known only to the contestant,

was not placed upon the stand; and the evidence in the record clearly demonstrates that the testimony relied upon, which was taken in chief by the contestant, to attack this precinct, is wholly unreliable.

It is an unusual thing in contested-election cases to deprive the voter of his vote and reject a precinct upon the grounds set forth in the majority report because the election officers have neglected to perform some duty which is merely directory. The omission of the officers to perform a duty imposed by the election law, unless it is mandatory and unless the law expressly declares that the failure to observe such directions shall avoid the election, will not void the poll nor deprive the voter of his vote.

In the case of Barnes *vs.* Adams (2 Bartlett, 764) the committee's report, which was adopted by the House, was in effect as follows:

> The officers of election are chosen, of necessity, from among all classes of the people; they are numbered in every State by thousands; they are often men unaccustomed to the formalities of legal proceedings. Omissions and mistakes in the discharge of their ministerial duties are almost inevitable. If this House shall establish the doctrine that an election is void because an officer thereof is not in all respects duly qualified, or because the same is not conducted strictly according to law, notwithstanding that it may have been a fair and free election, the result will be very many contests; and, what is worse, injustice will be done in many cases. It will enable those who are so disposed to seize upon mere technicalities in order to defeat the will of the majority.

These requirements as to the appointment of clerks are not mandatory, but are directory, and an unintentional failure to comply with them would not vitiate the returns. In order for the failure to do certain specified acts or the doing of certain prohibited specific acts to be fatal to the validity of the election, the statute must declare such acts or the omission to do such things as fatal to the election; that is, in order to destroy a return for the failure of the officers to perform certain requirements in the method of conducting the election the law must be mandatory—that is, it must declare that the failure to perform these duties avoids the election.

Ignorance, inadvertence, mistake, or even intentional wrong on the part of the officials should not be permitted to disfranchise the district, and unless the statute plainly shows that the legislature intended compliance with the provision in relation to the manner of procedure as essential to the validity of the election it is to be regarded as directory only. Nor are statutory provisions relating to elections rendered mandatory by the circumstance that the officers of the election are criminally liable for their violation. The rule prescribed by law for conducting elections is designed chiefly to afford opportunity for the people to exercise the elective franchise, and to prevent illegal voting, and to ascertain the true result. As such rules are directory, and not mandatory, a departure from the mode prescribed will not vitiate the returns of the election. (I refer to Paine on Elections, 497, 498, and the notes thereto. See also Rinaker *vs.* Downing, decided by Committee on Elections No. 1 in the Fifty-fourth Congress.)

From these principles it must be clear that the failure to appoint a clerk from this list for the contestant was a failure to perform a merely directory duty imposed by statute, and such a failure does not and can not vitiate the poll. Besides, the testimony clearly shows that the omission was not intentional, but a mere oversight, and that duty would have been performed and the provision complied with if the persons named on the list had been presented or had appeared. Besides, the list did not conform to the statute, in that it did not contain the number of names required; and, moreover, it is admitted by the proof and undisputed that O. O. Moore, the only person on this list that was present, was in fact appointed, as requested, and that the only reason another was not appointed was because none were present; and it would be unreasonable to demand that the election should have been delayed until these could be hunted up and produced by contestant's representatives.

I refer also to 6 American and English Encyclopedia of Law, page 325; McCrary on Elections, 190, and cases cited. In the case of O'Neill *vs.* Joy the views of the minority declare:

> No case has been discovered sanctioning the conclusion that the voter should be deprived of his vote by the omission of the election officers to discharge a duty imposed upon them by law. It is only when the statute has declared the ballot to be void or forbids it to be counted that the court have felt obliged to sanction its exclusion.

To same effect is Paine on Elections, sections 360–373, note 3; Quinn *vs.* Latimore (120 N. C.); Clark *vs.* Robbins (88 Ill., 498); Barnes *vs.* Adams (2 Bart., 764); People *vs.* Wilson (62 N. Y., 190).

Therefore the conclusion of the majority to reject the returns because of the failure of the election officers to appoint a clerk from the list furnished, who was not present and failed to appear, can not be sustained under the well-settled rules of law; but they are in the face of the law. They, the majority, not only reject the votes, but reject the poll.

The conclusion of the majority of the committee to reject the precinct because there are alleged to be found on the poll list 80 persons who were not registered is equally untenable, and can not be sustained either by the text writers, decisions of the courts, or the precedents in Congressional contested-election cases. On the subject I call attention to the following: Paine on Elections, sections Nos. 359, 360, and 374, and notes; the case of Dale *vs.* Irwin (78 Ill., 170). This case arose under the Illinois statute, which provided that—

> No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The supreme court of Illinois held as follows:

> It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The court not only decided that rejection of unregistered voters did not invalidate the poll, but that the fact that they were permitted to vote unchallenged, and that the ballots were deposited in box and honestly counted, prevented the rejection of the votes.

In a later case the same court reviewed this case (see Clark *vs.* Robinson, 88 Illinois, page 498) and decided—

> That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

How much less would such conduct of election officers invalidate the poll. This last case from Illinois is quoted with approval by the Committee on Elections No. 1, in the Fifty-Fourth Congress, in its report of case of Rinaker *vs.* Downing, which was finally adopted by the House. The House has dealt with the question and has never held that the precinct should be rejected because unregistered voters are permitted to vote; but it has decided that the votes should not be counted, but be deducted from the candidate for whom cast. To this effect are the following: Payne on Elections (sections 362, 363), Finley *vs.* Walls (Smith Election Cases, 367), Bell *vs.* Snyder (Smith Election Cases, 247), McCrary on Elections (page 445).

I can not dismiss this precinct without calling attention to the passionate manner in which the gentleman from Nebraska [Mr. BURKETT] paraded before the House the fact that there were two men who were run or driven from the polls in this precinct. There is no such testimony. There is in the evidence the testimony of one Aleck Marshall, who testified that he applied on the day of the election to be registered by the registrar, Mr. Bamburger, but that the registrar declined upon the ground that he had not resided in the precinct long enough; and it is shown that on the same day there were 20 white Democrats who were denied registration by the registrar and 13 negroes. I have this evidence here easily accessible, and it is for the investigation of any member of the House who desires to read it. I have carefully cut it from the record, and here present it.

The other one is Aleck Watts, who testified that he came to the voting place, and that some man cursed at him and told him to get out of the way. Who this man was he was unable to say, but he does say that it was not an officer of the election nor an officer of the town nor a citizen of the town, for he swears that he knows them all. It was some stranger, he says. He further testified that he had been approached by two friends of the contestant, who endeavored to induce him to swear to matters that he did not know of concerning this election at the City precinct. It is clearly demonstrated by the employer of this old negro that he is either an idiot or has very little sense, and that his testimony was unreliable.

These are the two voters, one of whom was not registered and the other a crazy negro; but the gentleman boldly asserts that they were run away from the polls. The evidence in the record, with which he should have been familiar, but of which he did not show a knowledge, contradicts his assertion.

When you take this seat from this contestee, you are compelled to do so upon the evidence of these negroes, two of whom admit their perjury and one of whom is proven to be a perjurer, and who are also contradicted by every election officer at these precincts.

Now I pause, even though my time is short, to ask for a denial of that statement. There being no denial by my friends of the majority, I accept it as the truth, and I will leave the case where it is if I have not proved that statement. Then, gentlemen of the House, are you willing to take from this contestee the seat upon testimony admitted to be perjury? You may do it in an evil hour, you may do it to-day, you may hasten to do it and salve your conscience with the belief that you are following the committee. Let the majority members of the committee deny the statement.

I want to remind you that it is not always Mr. Robbins who will be the contestee. The wheel of destiny—of political destiny—turns rapidly. It may be in a close district in after years, yea, next year, that there will be some man who stands here upon a narrower margin of votes than he does, whose seat on that side

may depend upon some one taking the testimony of admitted perjurers. For myself, no matter who it may be, I will never vote to turn him out of this House to which he has been elected, whether Republican or Democrat, upon any such testimony. [Applause.]

I stand here to-day to say that if I remain long enough in Congress—and the prospect is that I shall be here in the next Congress—[applause on the Republican side] and that then the majority will be on this side of the Chamber [applause on the Democratic side], yet I want to serve notice on you now and here that I will never deprive any man of the seat to which he has been elected on testimony admitted to be perjury. I do not care if party lash is laid upon my back, or what party necessities may dictate or party leaders demand, I will never vote to turn any man out of his seat, be he Republican or Democrat, on testimony that is admitted to be perjury. [Applause.] And shame be on those who would!

Mr. BAILEY of Texas. May I interrupt the gentleman from Georgia a moment?

Mr. BARTLETT. Certainly.

Mr. BAILEY of Texas. Do I understand that this case depends upon three precincts?

Mr. BARTLETT. Yes.

Mr. BAILEY of Texas. And the majority unseat the contestee upon the testimony of two men who admit themselves to be perjurers and a third man whose testimony was contradicted and who was successfully impeached?

Mr. BARTLETT. Yes, not sustained by anybody.

Mr. BAILEY of Texas. And the whole case stands on that?

Mr. BARTLETT. Yes. If you take out one of the three, the contestant will lose his case; and if you take all three out, the contestee will have a majority of over 500 votes.

Mr. BAILEY of Texas. And you challenge the gentlemen on that side to deny it?

Mr. BARTLETT. No, I did not challenge them on that side to deny it, but they have not denied it.

Mr. HAMILTON. Oh, yes; I denied it in my speech.

Mr. BARTLETT. But I will prove it by the contestant's own witnesses. I have got it here, and I am going to read it; and you admit Waugh's impeachment in your report. I have read it.

Mr. HAMILTON. The gentleman from Georgia knows that I have a high regard for anything he may say, and I did not want to interrupt him, but now I simply want to enter a denial. That is all.

Mr. BAILEY of Texas. There is no better time than right now.

Mr. HAMILTON. We have entered our denial many times.

Mr. BARTLETT. I beg the gentleman's pardon.

Mr. HAMILTON. But it does not seem to have any effect.

Mr. BARTLETT. But, my friend, did not King swear that the testimony that he gave about Orrville precinct was a lie?

Mr. HAMILTON. You do not mean King?

Mr. BARTLETT. I mean King. I will read the evidence. I will show you that testimony which he gave, undertaking to unseat the contestee, he subsequently admits was a lie. The gentleman should acquaint himself with the record.

Mr. GROSVENOR. Will the gentleman from Georgia allow me an interruption?

Mr. BARTLETT. Certainly.

Mr. GROSVENOR. I am not sure whether I understood the gentleman, and I would like to ask him if I am right in construing his statement. You say you believe that this is a fraudulent claim so far as the contestant is concerned, and accompany it with the threat that should he be unseated you will retaliate in this sort of a case?

Mr. BARTLETT. No; the gentleman misunderstood me. I did not say so. On the contrary, I said there was no power on earth, no party lash, no party dictation, that would compel me upon evidence like this, purchased and perjured as it is, to deprive any man of his seat.

Mr. GROSVENOR. Then what was the application——

Mr. KLUTTZ. Is the gentleman from Ohio a member of the Committee?

Mr. GROSVENOR. I will take care of that. What was the pertinence of the suggestion of the gentleman from Georgia that perhaps there was some other House that would do it?

Mr. BARTLETT. I intended to say that—

Though the mills of God grind slowly, yet they grind exceedingly small;
Though with patience He stands waiting, with exactness grinds He all.

You gentlemen by setting an example either by demand of your party or your own volition, unseating a man on testimony like this, set a bad example, which will induce others to follow.

Mr. GROSVENOR. Will the gentleman yield to one other question?

Mr. BARTLETT. Yes; one other question.

Mr. GROSVENOR. Has the gentleman read the record in the case of O'Neill *vs.* Joy?

Mr. BARTLETT. I have read the reports and I have quoted from the minority report in that case and incorporated it in my report in this case, which I agree with. If I had been here I would have voted to allow Mr. Joy to retain his seat, and would not have followed blindly the report of the majority.

Mr. GROSVENOR. I wish we could all get together in that way.

Mr. BARTLETT. Ah, that is but another illustration of the truth of the line which I have just quoted, and I may add another:

Time at last sets all things even.

In that case the majority on this side of the House blindly followed the committee and did what I believe, on investigation of that case, was not in accordance with the accepted principles of law of the courts, of Congress, or of the country. They turned Mr. Joy out upon a report written by Mr. Josiah Patterson, of Tennessee. Twenty-four months afterward Josiah Patterson himself stood before this House as contestant in an election case; and with even-handed justice this side of the House joined with the other in commending to his own lips the poisoned chalice he had mixed. [Applause.]

Mr. DINSMORE. Is it not a fact that the Republican majority of the committee in this case have refused to follow the minority report of the Republican minority in the Joy case?

Mr. BARTLETT. That is so. But I propose to follow it here and to put the seal of my approbation upon the law as announced by the minority of the committee in that case.

Mr. DINSMORE. And which the other side now rejects.

Mr. BARTLETT. And which they now reject.

But to proceed with the testimony. Andrew King, when first introduced, swore that he marked ten ballots at Orrville for Aldrich, and because there were not that many counted and returned for Aldrich the majority of the committee have thrown out that precinct.

This is the only witness who impeaches the return of the election officers at that precinct. His testimony is not supported by that of the Republican officials, the Republican clerks, or the two Democratic inspectors and the Democratic clerks. Seventy-five voters come up and swear that they voted for Robbins as against Aldrich; and two swear that they voted for Aldrich. Upon the testimony of this admitted perjurer, this precinct is thrown out by the majority of the committee. Let me read what he says:

Q. State your name, age, residence, and duration thereof; state whether or not you voted at the election held November 8, 1898. Where and for whom did you vote for a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama?
A. My name is Andrew King; I am 41 years old; I reside in Orrville precinct, and have lived here on Mr. Ellis's place five years; I voted at the election held last November; I voted here for Gaston A. Robbins for Congressman.
Q. Are you the same man that testified at Stanton in this case?
A. Yes, sir.
Q. Did you or not testify at Stanton that you voted for Aldrich?
A. Yes, sir.
Q. You were marker here that day, were you not?
A. Yes, sir.
Q. Did you mark any tickets that day for Aldrich here?
A. No.
Q. How many did you swear at Stanton that you marked for Aldrich?
A. Ten.
Q. What induced you to go to Stanton and swear to those facts?
A. They said that I would be paid.
Q. Who told you you would be paid?
A. Simon Rayford.

The evidence discloses that Rayford was the Republican chairman for Orrville beat; and he is the man who induced this negro to swear that he marked for Aldrich.

What else does King say?

Q. How much did they promise you?
A. They said I would get $7 per day and be gone three days.

[Applause on the Democratic side.]

That is one precinct. This is the only witness who attacks the correctness of the return. He swears that he did not vote for Aldrich, but for Robbins, although he had first sworn he had voted for Aldrich. He swears that he swore to a lie and that he did it upon a promise of $7 per day for three days—$21. Now, let my friend from Michigan enter another denial. This purchased, perjured evidence from a vagabond negro is the balm with which you gentlemen undertake to ease your consciences in voting to seat the contestant.

That is not all. I refer to the testimony of one Pet Ulmer, who acted as marker at Cahaba precinct, at which precinct Robbins received 127 votes and Aldrich 54. This man swore that he marked 123 ballots for Aldrich; but subsequently, on the 22d day of March, 1899 (I refer to page 741 of the record), he swore that he did not do so, that he did not keep any memorandum. Why, then, did he swear that he marked 123 ballots? Because Green Cornegie, the negro chairman of the Republican executive committee of Dallas County, told him to "jes swear you marked 123 ballots."

This man Ulmer admits that he was lying; he admits that he did it by direction of the chairman of his county committee. When this House takes into consideration the fact that Mr. Aldrich's manager admits that the election was conducted by his side simply for the purpose of obtaining materials on which to conduct

a contest here, it will be seen what effect his testimony ought to have, when the only evidence by which the attempt has been made to impeach the return is withdrawn and admitted to be false.

Now, I go back to the testimony of King. Here it is. If anybody wants to examine it, I have cut it out. I advise and entreat those gentlemen who would like to examine it to do so. I have marked it and labeled it. If you desire to record the truth, you can not write a verdict on the Journals of this House by accepting and crediting such testimony. And you can not find your verdict in favor of Aldrich unless you take as truth the testimony to which I have referred—testimony tainted with perjury and crime, and for which the contestant's manager in that county is responsible, for he procured it and paid in part for it.

The money paid to this man by the contestant's manager bought this evidence. This was not denied in the ten days that he had to deny it; there is not a word or a syllable of denial by any witnesses, though attention is called to the manager of contestant, who paid the money.

Gentlemen, vote this seat if you will to Mr. Aldrich; upon evidence like this if you will, but do not talk to us about being fair, do not talk to us about being just. The gentlemen of the majority of the committee may have overlooked this testimony, may have followed the contestant's brief; but here it is as I have read it, cut from the record. Deny it if you can. But that is not all.

Mr. DINSMORE. And the contention of the contestant in this case absolutely depends upon that?

Mr. BARTLETT. Yes, sir; absolutely. It depends upon these precincts being rejected and votes counted for the contestant as sworn to by these witnesses.

But, Mr. Speaker, I desire to call your attention to another case, and that is the testimony on which the contestant absolutely relies—the testimony of one Jackson Waugh; he is the contestant's only witness. In this precinct, Union, Aldrich got 76 votes and Robbins 131, as the returns show. The great majority of the votes received by Mr. Robbins in that precinct were taken away, and only 34 were allowed to him and 130 were given to his opponent solely upon Waugh's evidence.

Now, let us examine the testimony in reference to that particular precinct. The testimony shows that J. H. Smith, an intelligent colored man, the Republican chairman for that beat, who was a school-teacher, demanded that he, Smith, should be appointed inspector, and also that Willis Smith and Kent West be appointed, and two other Republicans be appointed clerks.

They were all appointed, and Jackson Waugh was appointed a marker at the request of the Republican chairman for the beat, J. H. Smith. They had also two Democratic inspectors and one marker, as well as one Democratic returning officer. That is to say, there were three Republicans who had represented the contestant in the district—three colored men—and ours on the other side, the white men. In other words, there were three Republicans and four Democrats. Three of them voted for Aldrich and four of them for Robbins. All of them, except Waugh, swear positively that the vote was honestly received and counted correctly; that the ballots were received by the Republican inspectors and counted under the supervision and in the presence of all the Republican officials.

This man Jackson Waugh testifies that after 11 o'clock in the morning he marked 90 ballots and kept a list, and that before 11 he thinks he marked about 40 for Aldrich. According to the returns, Aldrich received only 76 votes, 4 of the ballots not being marked at all, and upon that testimony the majority of the committee gave Aldrich in that precinct 132 votes, the testimony of Jackson Waugh being the only evidence to sustain the finding. He claimed to have kept a list of the 90 voters who appeared at the polls. I have his testimony here in full, and I beg that those gentlemen who will shall take time and read that testimony and see if they can find any justification for the preposterous claim that is made.

A very significant fact in connection with the testimony of this same witness, Jackson Waugh, is that when he was asked to produce the list he pretended to have kept, he swears that he left it at home on the morning of the day he testified. And yet, Mr. Speaker, it was sixty days before the contestant closed his evidence, and the list that Jackson Waugh claims to have kept, and which he had at his home, never was brought to light to corroborate his remarkable statement. He was not asked to bring it by the commissioner who was taking the testimony, and no corroboration was offered of his testimony. His testimony is not corroborated by the Republican clerk of the election, or by any other official, but is flatly contradicted by all. In fact, the testimony shows that he swore to what was not true.

But that is not all. There is testimony directly to the contrary on the part of four young men—men of standing in the community—which establishes precisely the contrary facts to those which have been reported by the majority.

Mr. Aldrich was taking testimony in the County of Dallas in his own behalf, and he had ample opportunity of bringing testimony to sustain this witness if he had desired to do so. He should have sustained him, and his failure to do so is a clear demonstration that this testimony is unworthy of consideration.

But, in addition to this, four reputable white men swore that Waugh's character was bad and that they would not believe him on oath. Of the 8,000 voters in that county, white and colored, not a man has been offered, not a man, woman, or child out of the 40,000 inhabitants of the county, who was willing to say that this man, Jackson Waugh, was worthy of belief. Nor did he make any effort to disprove the statement of Andrew King and Pet Ulmer, that they had been induced by his managers to swear falsely and had been promised to be paid for the perjury. It must be taken, then, as admitted by the contestant that these three witnesses are impeached and their credibility destroyed, and with their evidence goes the case.

It must stand or fall by and with them. I repeat, when you take this man's seat, if you take it—and I should like gentlemen to hear what I say—you take it upon the admitted perjured, lying, villainous, infamous testimony of Andrew King, Pet Ulmer, and Jackson Waugh. And if Robbins is to be turned out because of such testimony, why, he can go to his home with no spot or blemish upon him; but the dishonor, if dishonor there be, will be transferred to those gentlemen who are willing to outrage the law, the rules of evidence, and the rules of proper construction of testimony.

Now, Mr. Speaker, that is the truth about this case. Will the gentleman deny it? If he does, there is the evidence of the admitted perjury and the proven perjury; there it is, cut from the record in this case—only a few pages; let those who desire read it.

One word, Mr. Speaker, before I come to the discussion of the City precinct. The City precinct of Selma contains 10,000 inhabitants. It has a registered vote of about thirteen hundred. I have gone over the registration list, those that are marked white and colored, and as nearly as I can arrive at the fact four-fifths of the registered voters of Selma precinct are white. They cast a little over 1,000 votes in this election. Of those 72 were returned for Aldrich and 900 and over for Robbins.

But what is the truth about that precinct? It is that Mr. Aldrich himself and Mr. Aldrich's district manager, Mr. Dean, asked for the appointment of Golson, a Populite, and he was appointed. They did not ask for the appointment of any other officer except a marker. Although the list that was furnished, not complying with the law, contained only five names, they appointed O. O. Moore as a marker, and the representative of Aldrich who presented the list agreed that they did not need a clerk. No one was there to demand a clerk, but they got Moore for a marker and Golson for their inspector; and R. D. Walker and J. L. Clay were the Democratic inspectors. The Republican marker does not show that there was any fraud. The contestant dared not introduce his inspector; and all the Democratic officials testify and fully sustain the returns. Every ballot was inspected and counted by the Aldrich inspector.

Now, I deny that there ever was a decision, or that there ever was any law, or that any court presided over by a judge, or any partisan court composed of the members of a legislature or members of the House, that ever held that because the officers of election failed to comply with requirements which are not mandatory, such conduct invalidated the election. I have abundant authority here and have read some of the cases which sustain my contention, and I assert that no case can be found in the books, so far as I have been able to search them—and I have given the subject very patient research—where the courts have ever decided that you could throw out the vote of a precinct because an unregistered voter was allowed to vote there. I call as a witness to my statement the decision of the supreme court of Illinois, the gentleman's own State.

Mr. MANN. If the gentleman will pardon me, we do not have any such frauds in our State as there are in this case—not even when the Democrats are in control.

Mr. BARTLETT. Ah, Mr. Speaker, that is a fitting reply to a legal proposition. When you undertake to throw out this whole precinct because eighty-five or sixty men voted who were not registered, it is a fitting reply to say you do not have such frauds in Illinois. You did have them. Why, your very managers in this case, reported in 78 and 88 Illinois, permitted six or eight or ten men to vote who were not registered, and it was charged that it was fraudulent and that the poll should be thrown out, the same contention that you make here as to the City precinct.

Your own supreme court said it did not invalidate the poll, and they not only sustained the precinct, but counted the votes. Now, if the gentleman is not familiar with his own supreme court cases, he should take them and study them. Here they are. I will cheerfully furnish them to him.

Mr. MANN. If the gentleman will pardon me, I think I am fully familiar with the law of Illinois, and the law is good law, but it has no application whatever to this case, not the slightest.

Mr. BARTLETT. Why, that reminds me of an incident which

occurred when I was studying law. One of my fellow-students asked our distinguished preceptor, "Colonel, if I have not got the law on my side, what am I to do?" Said he, "Give them the devil on the facts." "But," asked the student, "when I have not any facts on my side, what am I to do?" He said, "Then pitch in and give them the dickens on the law." "But," said he, "suppose I have got neither law nor facts on my side?" "Then," said he, "give the party and counsel on the other side hell." [Laughter.]

Mr. MANN. That is just what the gentleman is doing at present.

Mr. BARTLETT. Ah, Mr. Speaker, I am not able to inflict upon the gentleman the punishment which his own conscience ought to inflict for this report. [Applause on the Democratic side.] Having neither law nor facts, the gentlemen on the other side have not discussed the law or the evidence; they have contented themselves with denouncing the South and its election laws and methods. But here are the decisions of the gentleman's own court, which sustain my contention and absolutely destroy his.

Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman has used an hour, lacking five minutes.

Mr. BARTLETT. Well, I have all the remaining time on this side.

The SPEAKER pro tempore. The gentleman, then, has seven minutes additional, or twelve minutes in all.

Mr. BARTLETT. Then, Mr. Speaker, I can not do better than to enlighten my friend from Illinois about the cases decided by the supreme court of his own State. Here was a case in 78 Illinois, page 111 and page 170, the case of Dale against Irvin.

I thought, Mr. Speaker, that my friend had forgotten the decisions of his own court, and I am glad that I am permitted to instruct him briefly in what the law of this case is as decided by the supreme court of his own State.

In 78 Illinois, in the case of Dale *vs.* Irwin, page 170, construing the statutes of that State, the supreme court said that the statutes of Illinois provided that—

> No vote should be received at any State, county, town, or city election if the name of the person offering to vote be not in the said register made on Tuesday or Wednesday preceding the election, etc.

The court held as follows:

> It is claimed that as the others voted without having been registered and without any proof of right, their votes are invalid. It does not appear that these votes were challenged or any objections made to their voting, and the presumption must be that they were legal voters, and so known to the judges.

The supreme court of Illinois again, in construing a case where there had been a dispute about permitting to be deposited in the ballot box ballots of voters who had not registered in accordance with the law, decided, in the case of Clark *vs.* Robinson (88 Illinois Report, page 498), as follows:

> That the prohibition of the statute in this regard was but directory against receiving such a vote, and that the failure of observance of this direction would not invalidate such a vote which had been received by the judge of elections and deposited in the ballot box.

And yet the gentleman decides this case in the face of his own supreme court; and I call the attention of the gentleman from Pennsylvania to the celebrated case from his State of Cavode *vs.* Foster, which follows the rule just cited. I could cite a large number of cases. Here are the decisions that the deposit of an unregistered ballot in the box does not destroy the poll; and what do you gentlemen do? You destroy both the vote and the poll.

The case of Dale *vs.* Irwin was reviewed again in 88 Illinois, where the same statute was again construed. Mark you, the statute of Illinois does not permit the deposit of a ballot in a box unless the voter was registered on the Tuesday before the election. What did they say? That the prohibition of the statute in this regard was but directory, in receiving such a vote, and that the failure of observance of this directory action would not invalidate such a vote which had been received at the poll in the election and deposited in the box. Yet read the report of this majority as to the City precinct. Why do they reject it? Because the poll shows that some 80 votes were put in that were not registered.

In the State of Illinois it was decided by the supreme court that they would not cast out the polls nor the ballots because 6, 8, 10, or 80 unregistered voters had cast their ballots in the precinct attacked. That is not all. I hope my friend will show greater confidence in the supreme court of Illinois and exhibit more respect for its decisions. He appears to have come to the conclusion that the court was guilty of a great error and wrong when they made this decision upon their statute, and which, had he followed, he could not have rejected the City precinct and thus have taken from the contestee over 400 votes.

Mr. MANN. The gentleman need not be alarmed. The supreme court and I get along very nicely.

Mr. BARTLETT. I expect so; but in this case the gentleman is wiser than the supreme court is, when he undertakes to destroy the right of a man to a seat on this floor by overriding the decisions of the supreme court of Illinois and is at the same time utterly disregarding the precedents of this House, which I have quoted in this report.

There was a decision made in the case from Illinois in the Fifty-fourth Congress, a case to which I wish my friend would listen in this case. It was the case of Rinaker *vs.* Downing. It was before this same Committee on Elections No. 1, the report being signed by Mr. LINNEY, at present a member of this committee, and the chairman and all the Republican members of the committee, except the gentleman from Massachusetts [Mr. MOODY]. The report unseated the Democratic contestee, and in that report, which I have here, they decided that the deposit of ballots of unregistered voters in the ballot box did not deprive the voter of his vote or impair the poll, and Rinaker was to be given his seat in this House on account of four men who had voted in that way; and finally was seated by a majority of 1, and that, too, after counting the ballots of these unregistered voters.

Now, it is true I did not vote for that report at that time, because I insisted that there should be a recount of the ballots, and the House sustained me. Mr. MOODY and myself, the members of the minority upon that committee, made the report, and we submitted our contention to the House, and the House sustained us and set aside the report, but finally adopted it after we had a recount of the ballots. So the majority report as to this question was finally adopted; and if precedents count for anything, it should control now.

Now there are two Illinois cases, one by the supreme court of Illinois and one by the House here. It is a good law for an Illinois election case, but is disregarded when the rule is applied to an Alabama case.

I refer now to the case of O'Neill against Joy. In that case the minority made a report to this House against unseating the Republican, and in discussing the rule, say:

> No case could be found or discovered which shows that the voter should be deprived of his vote by the omission of the election officers to discharge the duty imposed upon them by law. It is the manner in which the State declares the ballot to be voted and to be counted for the man for whom it was cast.

Now, I want to refer the New York lawyers to the case of the People against Wilson (62 New York), where the very question is decided and where the New York court of appeals decided that the permitting of unregistered voters to vote does not invalidate the poll.

But why waste my time, Mr. Speaker, in endeavoring to convince the majority of the House of the law of the case on this adjudicated question? The gentlemen on that side have not cited a solitary authority or a precedent to sustain their new and startling propositions when they reject the poll and refuse to count the votes proven. They have not cited a single proposition of law or a single precedent where they have been permitted to reject a precinct for failure to give representation to the contestant and not count any votes, and in the very next precinct reject it for the same reason and count all the votes the contestant has proved. It is a shifting rule that you have adopted, made to suit the exigencies of the case.

In Orrville, where Mr. Robbins proved 75 votes and Aldrich 3, according to the report you do not give him a vote; in Valley Creek, where Aldrich proves 143 and Robbins 44, you give Aldrich what he proves and Robbins what he proves. The rule is a good one when it benefits Aldrich, but it is a poor rule when it benefits Robbins. It will not do to cast out all the precincts and count the proven votes, for then Robbins is clearly elected; the only way to defeat him is to do as the committee has done. If all the precincts attacked are disregarded and only those votes counted which each proved, then Robbins has a majority of 389. To refuse to do so is to violate all rules of law and justice.

This is a legitimate criticism on their report made to this House, which denounces one precinct because of fraud and then proceeds to the next precinct and denounces it as fraudulent for the same reason, but counts the votes which it would not count in the other precincts. Now, here is the report of the majority of the committee by which they admit that in the four precincts discarded entirely Robbins proved 161 votes, but nowhere do they count them for him. Even the votes admitted by contestant for contestee in his brief are not counted by the majority. They count less than he admits.

Mr. Speaker, it would take much more time than I have at my disposal to go over all these precincts. I desire to refute the statement that in the City precinct these people got their tickets from stores and piazzas, and outside of the election room. Such allegations are not sustained by the evidence, for it is explained by nearly every witness, and the evidence shows that instead of its being at this election in November, 1898, it was in the previous primary elections, where there was no official ballot, and the witness evidently confused the two elections, four of which were held in the summer and fall of 1898. Besides the election officers at the precinct clearly demonstrate that no voter got a ticket and voted it except it was an official ticket.

Now, I want to say that the charge that Mr. Aldrich should be seated because he and Robbins had a fist fight, where Aldrich instigated the trouble and made a slanderous report with reference

to Robbins, and when Aldrich's attention was called to it he did not deny it, and Robbins slapped him in the face and beat him with nature's own weapons, ought not to have any weight in this proceeding. It is true that when Aldrich's men undertook to interfere and take hold of Robbins, one of the bystanders simply said, "We are going to have fair play," and stood them off until Aldrich said he had enough. Moreover, this fight in which a man was killed, which has been referred to here for the purpose of stirring up animosities, was a drunken barroom brawl, and the man that was shot struck the first blow—struck a man in the face and knocked him down, and in the struggle the pistol was fired and the bullet struck him in the hip and he died, not because the wound was mortal, but from blood poisoning. This occurred long after the election.

Now, what has this fight and all these matters like it to do with this election case; how do they sustain the contestant's case? What have all these brawls on the streets and barroom fights to do with this case? Nothing, Mr. Speaker, except to excite prejudice; and they are used to stir up animosities, to warp the judgment, and hurry you to a verdict not justified by the law or the facts. They are brought into this House after they have been discarded by the committee, and it is demanded that you render a decision depriving the contestee of his seat, not because the contestant was elected, but because there have been in Dallas County drunken brawls and personal difficulties long after the election was held.

Mr. Speaker, my time is gone. The case can not be argued in the time that remains to me. Some may say the time was wasted. It may be so. I have endeavored to demonstrate that the evidence does not justify the unseating of this contestant; that it utterly fails to show that the contestant was elected, but demonstrates that the contestee was elected.

Again I demand of the majority of the committee that they refute from the evidence, the statement that this case hangs by the rotten, slender thread of the testimony of three witnesses, two self-confessed perjurers and the other one a proven perjurer. In every precinct the returns are sustained by reputable witnesses whose characters are not even attacked. Gentlemen of the other side, take this contestant and admit him to a seat and to your councils upon the testimony which he and his managers have manufactured, purchased, and paid for; take him, and have the consolation to know that in doing so he is a pretended Republican. To use the language of a prominent and respected Alabama white Republican:

An enemy, claiming to be within our own ranks, confronts us. The principles of the Republican party are sought to be subordinated to the debauchery and hope for greed of some of those heretofore trusted, and in whose sense of honor and decency we had relied. Through the corrupt influence of an alien to our principles, aided by the mean use of money, I am unable longer to continue the unequal fight against this pseudo nominee—the Populites candidate for Congress in our district.

Let his own conduct and language in 1896 describe who he is. Here it is:

Upon the reassembling of the State executive committee of the People's party, after dinner, Mr. W. F. Aldrich asked the privilege of a personal explanation. He said that he had been represented as a candidate for governor, but that he was not a candidate for that position, although he was sensible of the high honor. Mr. Aldrich was asked as to how he stood on the money plank of the Omaha platform. He replied that he was in full agreement with the money plank of the Omaha platform. He was asked as to how he would vote in the national election in 1896 as between a gold-standard Republican candidate for the Presidency upon a gold-standard platform and a Presidential candidate of the People's Party on the Omaha platform. He replied that he would in that event support the candidate of the People's Party. He said the fact was that he was a genuine Greenbacker.

Mr. Aldrich was warmly applauded upon these statements. * * * When he closed his speech, he was asked by William Denman if he was going to support Mr. McKinley on his goldbug platform, and his reply was that if the Populites nominated Mr. TELLER, who was a protectionist and a free-silver man, he would vote for him, but if they did not he would vote for Mr. McKinley. He further said that Mr. McKinley was in favor of bimetallism and wanted the St. Louis convention to adopt a free-silver plank in their platform, but that the New York delegates would have bolted, and that a gold platform was adopted to please them.

But I have done. If all the facts of this case, as they have been proven and not disputed, sustained by reputable witnesses, as honest and reputable men as any State in this Union can produce, can not induce you to do this contestee that even-handed justice which impartial judges and jurors would promptly render him, were the case being tried in a court of law, then all effort is vain, Mr. Speaker. I have but to add, "Let down the curtain, the farce is done." [Applause on the Democratic side.]

Mr. TERRY. Mr. Speaker, I want to say just a few words on this question.

Mr. MANN. I think I am entitled to the floor, if the gentleman from Arkansas [Mr. TERRY] will excuse me.

Mr. TERRY. I was recognized, as I understand, by the Chair. I want to say only a few words on this matter. I will not take long.

The SPEAKER pro tempore (Mr. ALEXANDER). Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Arkansas?

Mr. MANN. I can not. I have only about ten minutes left. The time of gentlemen on the other side, under the agreement, has expired. I am very sorry to be obliged to refuse to yield. If I had more time I should be glad to do so.

Mr. TERRY. How much time has the gentleman?

Mr. MANN. About eight minutes.

Mr. BARTLETT. If I had the time, I would yield to my friend from Arkansas.

Mr. TERRY. If the gentleman from Illinois has only ten minutes left, I do not ask him to yield to me.

Mr. MANN. Mr. Speaker, it will not be expected, of course, that I should attempt to reply seriatim to the arguments or statements made by gentlemen on the other side of the House. But I wish again to call the attention of the House to the record of the committee which has reported this case to the House. The Committee on Elections No. 1 in the Fifty-fifth and Fifty-sixth Congresses has had pending before it eleven election cases with Republican contestants and Democratic contestees. In no case has a report been made to this House by that committee in favor of a Republican or against a Democrat except in this one district of Alabama, and that solely on account of election frauds in Dallas County. I ask the House to sustain the action of this committee, which has examined these cases with care, with caution, with nonpartisanship.

In this Congress our committee has already reported in favor of retaining in his seat the Democratic member from Louisville, Ky. "Ah," the gentleman from New York the other day said, "you made that report because you were justified by the facts." Aye, Mr. Speaker, we reported in favor of Turner and against Evans because the evidence before our committee did not warrant us in deciding in favor of Evans; and in this case we have reported in favor of Aldrich and against Robbins because the evidence shows that the election machinery in Dallas County reeks with fraud. It is not the kind of fraud, Mr. Speaker, that comes stealthily in through the open window; it is the kind of fraud that stalks boldly in through the open door. There is not a precinct where we have found against the contestee that is not alive with the vermin of fraud. There is not a precinct where we have found against the contestee that is not slimy with fraud.

The gentleman from Alabama has endeavored to cite particular instances. We did not throw out the vote of the city of Selma because 85 men not entitled to vote did vote. We threw it out because (apart from other reasons) the conduct of the election officers at that precinct covered the election there with fraud.

Mr. Speaker, we have proven our case. The committee has examined the record in this case conscientiously and carefully—a record covering 900 closely printed pages. The committee, who have read every page of this testimony, who have considered every argument of counsel, submit to you a dispassionate, nonpartisan report. They ask you to seat the contestant, Mr. Aldrich.

It is true that Mr. Aldrich is a Republican and that the contestee is a Democrat. Doubtless that is a sufficient reason with gentlemen on the other side for voting for the contestee. But we do not ask you to vote for the contestant merely because he is a Republican. Ah, Mr. Speaker, it means something for the contestant to be a Republican in that Congressional district. His principal manager has been murdered in that county because this contest was inaugurated. He himself has been assaulted because the contest was inaugurated. Gentlemen on the other side may give reasons as they please; the facts are that Mr. Aldrich, who has had the honor, the nerve, and the daring in this Alabama district to stand up as a Republican, has been assaulted, has been abused, has been defrauded by every machination which human ingenuity could devise, and by every scheme which the fertile resources of those gentlemen conducting the election on the other side could imagine.

Mr. Aldrich appears before this House not asking favors, only asking justice at your hands. He has not been afraid to defy the fraud of Dallas County. He has not been afraid to stand up for the rights of man. I appeal to the other side of the House, who have talked so much about the "right of self-government" and the right of foreign races to govern themselves; I appeal to them to rise above partisanship and to show that they are greater than mere Democrats. I ask them to vote against the frauds in the elections in this district and in favor of the man who was elected by the votes of the district. And I appeal to the Republicans to reward the honest, faithful efforts of the committee on their side of the House to reach a righteous conclusion in this case and to support the report of the committee. We have done our duty. Mr. Aldrich has done his duty. It remains for the members of this House to do their duty by casting their votes in favor of righteous self-government, in favor of honest elections, and against the most outrageous frauds that have ever been known in this country. [Applause.]

Mr. BARTLETT. I ask that the resolutions submitted by the minority of the committee be now read and that they be substituted for those offered by the majority of the committee.

The SPEAKER. What is the request of the gentleman?

Mr. BARTLETT. Mr. Speaker, as I understand the situation,

the majority in this case have reported certain resolutions and the minority certain other resolutions. Following the ordinary course, as I understand, I now move that the resolutions submitted by the minority be substituted for those of the majority.

Mr. MANN. The agreement was, I understand, that the original resolutions should be considered as before the House and also the substitute resolutions.

Mr. BARTLETT. Yes, sir.

Mr. MANN. I suppose the vote will be taken on the substitute first?

Mr. BARTLETT. That was the purpose of my motion.

Mr. MANN. It does not require any motion, I believe.

Mr. BARTLETT. My remark was rather in the shape of a parliamentary inquiry.

The SPEAKER The Chair is of opinion that inasmuch as the previous question was ordered upon the original resolutions and the substitute, the question is now on the adoption of the substitute.

Mr. BARTLETT. Upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MANN. Mr. Speaker, before the vote is taken, I would ask the reading of the substitute resolutions proposed by the minority of the committee.

The SPEAKER. Without objection, the resolution of the minority will be again read.

The substitute resolutions were read, as follows:

Resolved, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

Resolved, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

The SPEAKER. The question is on agreeing to the adoption of the resolutions which have just been read as a substitute for the resolutions presented by the committee, on which the gentleman from Georgia asks the yeas and nays.

Mr. MANN. I join in the request of the gentleman from Georgia for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 138, answered "present" 5, not voting 73; as follows:

YEAS—134.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth.
Allen, Miss.	Denny,	McCulloch,	Sheppard,
Atwater.	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims,
Ball,	Elliott,	McRae,	Slayden,
Bankhead,	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spight,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Taylor, Ala.
Brewer.	Hay,	Quarles,	Terry,
Brundidge.	Henry, Miss.	Ransdell,	Thayer,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thomas, N. C.
Burleson,	Howard,	Rhea, Va.	Turner,
Burnett,	Johnston,	Richardson,	Underhill,
Caldwell,	Jones, Va.	Ridgely,	Underwood,
Chanler,	Kitchin,	Riordan,	Vandiver,
Clark, Mo.	Kleberg,	Rixey,	Wheeler, Ky.
Clayton, Ala.	Kluttz,	Robb,	Williams, J. R.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, Miss.
Cochran, Mo.	Lanham,	Robinson, Ind.	Wilson, Idaho
Cooney,	Latimer,	Robinson, Nebr.	Wilson, N. Y.
Cowherd.	Lester,	Rucker,	Wilson, S. C.
Crawford,	Levy.	Ruppert,	Young, Va.
Cummings,	Lewis,	Ryan, N. Y.	Zenor,
Davenport, S. W.	Little,	Ryan, Pa.	Ziegler.
Davis,	Livingston,	Salmon,	
De Armond,	Lloyd,	Scudder.	

NAYS—138.

Adams,	Calderhead,	Faris,	Hoffecker,
Alexander,	Cannon,	Fletcher,	Hopkins,
Allen, Me.	Capron,	Fordney,	Howell,
Babcock.	Clarke, N. H.	Foss,	Hull,
Bailey, Kans.	Cochrane, N. Y.	Fowler,	Jack.
Baker,	Connell,	Gamble,	Jenkins,
Barham,	Cooper, Wis.	Gardner, Mich.	Jones, Wash.
Barney,	Corliss,	Gardner, N. J.	Kahn,
Bingham.	Cousins,	Gill,	Ketcham,
Boutell, Ill.	Cromer,	Gillett, Mass.	Knox,
Bowersock,	Crump,	Graff,	Lacey,
Brick,	Crumpacker,	Graham,	Landis,
Bromwell,	Curtis,	Greene, Mass.	Lane,
Brosius,	Cushman,	Grosvenor,	Linney,
Brown,	Dahle, Wis.	Grout,	Littauer,
Brownlow,	Dalzell,	Grow,	Littlefield,
Bull,	Davenport, S. A.	Hamilton,	Long,
Burke, S. Dak.	Davidson,	Haugen,	Lorimer,
Burkett,	Dick,	Hedge,	Lovering,
Burleigh,	Driscoll,	Henry, Conn.	Lybrand,
Burton,	Eddy,	Hepburn,	McCleary,
Butler,	Esch,	Hill,	McPherson,
Mahon,	Mudd,	Roberts,	Tawney,
Mann,	O'Grady,	Russell,	Tayler, Ohio
Marsh,	Otjen,	Shattuc,	Thomas, Iowa
Mercer,	Overstreet,	Shelden,	Tongue,
Mesick,	Payne,	Sherman,	Wachter,
Metcalf,	Pearce, Mo.	Showalter,	Wanger,
Miller,	Pearre,	Smith, H. C.	Waters,
Minor,	Phillips,	Smith, Samuel W.	Weaver,
Mondell,	Powers,	Sperry,	Weeks,
Moody, Mass.	Prince,	Stevens, Minn.	White,
Moody, Oreg.	Pugh,	Stewart, N. J.	Young, Pa.
Morgan,	Ray,	Stewart, Wis.	
Morris,	Reeder,	Sulloway,	

ANSWERED "PRESENT"—5.

Bartholdt,	Naphen,	Needham,	Van Voorhis.
Loudenslager,			

NOT VOTING—73.

Acheson,	Emerson,	Lentz,	Sparkman,
Bishop,	Fitzgerald, N. Y.	Loud,	Sprague,
Boreing,	Fitzpatrick,	McCall,	Stallings,
Boutelle, Me.	Fleming,	Miers, Ind.	Steele,
Bradley,	Fox,	Moon,	Stewart, N. Y.
Broussard,	Freer,	Norton, Ohio	Sulzer,
Campbell,	Gayle,	Norton, S. C.	Tate,
Carmack,	Gibson,	Olmsted.	Thropp,
Catchings,	Gillet, N. Y.	Packer, Pa.	Tompkins,
Cooper, Tex.	Gordon,	Parker, N. J.	Vreeland,
Cox,	Hall,	Polk,	Wadsworth,
Crowley,	Hawley,	Reeves,	Warner,
Cusack,	Heatwole,	Robbins,	Watson,
Daly, N. J.	Hemenway,	Rodenberg,	Weymouth,
Davey,	Hitt,	Smith, Ill.	Williams, W. E.
Dayton,	Jett,	Smith, Ky.	Wright.
Dolliver,	Joy,	Smith, Wm. Alden	
Dougherty,	Kerr,	Southard,	
Dovener,	Lawrence,	Spalding,	

So the substitute was rejected.

Mr. VAN VOORHIS. Mr. Speaker, I find that I am paired with my colleague, Mr. GORDON. I have voted upon this question, but ask that the vote be withdrawn.

The SPEAKER. The vote of the gentleman will be withdrawn, if there be no objection.

There was no objection.

The following pairs were announced from the desk:

For this session:

Mr. REEVES with Mr. SPARKMAN.

Mr. WRIGHT with Mr. HALL.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Until further notice:

Mr. BOREING with Mr. FITZPATRICK.

Mr. HITT with Mr. CARMACK.

Mr. STEELE with Mr. CUSACK.

Mr. MCCALL with Mr. FOX.

Mr. DAYTON with Mr. DAVEY.

Mr. BARTHOLDT with Mr. DOUGHERTY.

Mr. SPALDING with Mr. MOON.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GIBSON with Mr. TATE.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. STALLINGS.

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

Mr. WATSON with Mr. DALY of New Jersey.

Mr. GILLET of New York with Mr. GAYLE.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. SPRAGUE with Mr. SMITH of Kentucky.

For this day:

Mr. ACHESON with Mr. SULZER.

Mr. DOVENER with Mr. CATCHINGS.

Mr. LAWRENCE with Mr. FLEMING.

Mr. WM. ALDEN SMITH with Mr. LENTZ.

Mr. JOY with Mr. NAPHEN.

Mr. BISHOP with Mr. CAMPBELL.

Mr. STEWART of New York with Mr. FITZGERALD of New York.

Mr. HEATWOLE with Mr. CROWLEY.

Mr. LOUD with Mr. JETT.

Mr. KERR with Mr. COX.

Mr. BARTLETT. Mr. Speaker, I ask that the vote be recapitulated. I do not know how close it may be; but this is an important question, and I think it ought to be read in the hearing of the House.

The SPEAKER. The Chair believes in a case of this kind that it would be well to have a recapitulation of the vote, and will order it, so that the names of members who have voted on each side be accurately noted, especially in view of the fact that some gentlemen are announced as being paired who have voted on this question.

The roll call was recapitulated as above.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the original resolutions presented by the Committee on Elections——

Mr. BARTLETT. On that, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. I ask that the resolutions which are about to be voted upon be read, if that can be done.

The SPEAKER. In the absence of objection, the original resolutions will be reported.

The Clerk read as follows:

Resolved, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

Resolved, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

The question was taken; and there were—yeas 141, nays 135, answered "present" 6, not voting 67; as follows:

YEAS—141.

Adams,	Dahle, Wis.	Jenkins,	Pearce, Mo.
Alexander,	Dalzell,	Jones, Wash.	Pearre,
Allen, Me.	Davenport, S. A.	Kahn,	Phillips,
Babcock.	Davidson,	Ketcham,	Powers,
Bailey, Kans.	Dick,	Knox,	Prince,
Baker,	Dolliver,	Lacey,	Pugh,
Barham,	Driscoll,	Landis,	Ray,
Barney,	Eddy,	Lane,	Reeder,
Bingham,	Esch,	Linney,	Roberts,
Boutell, Ill.	Faris,	Littauer,	Rodenberg,
Bowersock,	Fletcher,	Littlefield,	Russell,
Brick,	Fordney,	Long,	Shattuc,
Bromwell,	Foss,	Lorimer,	Shelden,
Brosius,	Fowler,	Lovering,	Sherman,
Brown,	Gamble,	Lybrand,	Showalter,
Brownlow,	Gardner, Mich.	McCleary,	Smith, H. C.
Bull,	Gardner, N. J.	McPherson,	Smith, Samuel W.
Burke, S. Dak.	Gill,	Mahon,	Sperry,
Burkett,	Gillett, Mass.	Mann,	Stevens, Minn.
Burleigh,	Graff,	Marsh,	Stewart, N. J.
Burton,	Graham,	Mercer,	Stewart, Wis.
Butler,	Greene, Mass.	Mesick,	Sulloway,
Calderhead,	Grosvenor,	Metcalf,	Tawney,
Cannon,	Grout,	Miller,	Tayler, Ohio
Capron,	Grow,	Minor,	Thomas, Iowa
Clarke, N. H.	Hamilton,	Mondell,	Tongue,
Cochrane, N. Y.	Haugen,	Moody, Mass.	Wachter,
Connell,	Hedge,	Moody, Oreg.	Wanger,
Cooper, Wis.	Henry, Conn.	Morgan,	Waters,
Corliss,	Hepburn,	Morris,	Weaver,
Cousins,	Hill,	Mudd,	Weeks,
Cromer,	Hoffecker,	O'Grady,	White,
Crump,	Hopkins,	Otjen,	Young, Pa.
Crumpacker,	Howell,	Overstreet,	
Curtis,	Hull,	Parker, N. J.	
Cushman,	Jack,	Payne,	

NAYS—135.

Adamson,	De Graffenreid,	McAleer,	Shackleford,
Allen, Ky.	De Vries,	McClellan,	Shafroth,
Allen, Miss.	Denny,	McCulloch,	Sheppard.
Atwater,	Dinsmore,	McDowell,	Sibley,
Bailey, Tex.	Driggs,	McLain,	Sims.
Ball,	Elliott,	McRae,	Slayden,
Bankhead	Finley,	Maddox,	Small,
Barber,	Fitzgerald, Mass.	May,	Snodgrass,
Bartlett,	Foster,	Meekison,	Spight,
Bell,	Gaines,	Meyer, La.	Stark,
Bellamy,	Gaston,	Muller,	Stephens, Tex.
Benton,	Gilbert,	Neville,	Stokes,
Berry,	Glynn,	Newlands,	Sutherland,
Brantley,	Green, Pa.	Noonan,	Swanson,
Breazeale,	Griffith,	Otey,	Talbert,
Brenner,	Griggs,	Pierce, Tenn.	Tate,
Brewer,	Hay,	Quarles,	Taylor, Ala.
Brundidge,	Henry, Miss.	Ransdell,	Terry,
Burke, Tex.	Henry, Tex.	Rhea, Ky.	Thayer,
Burleson,	Howard,	Rhea, Va.	Thomas, N. C.
Burnett,	Johnston,	Richardson,	Turner,
Caldwell,	Jones, Va.	Ridgely,	Underhill,
Chanler,	Kitchin,	Riordan,	Underwood,
Clark, Mo.	Kleberg,	Rixey,	Vandiver
Clayton, Ala.	Kluttz,	Robb,	Wheeler, Ky.
Clayton, N. Y.	Lamb,	Robertson, La.	Williams, J. R.
Cochran, Mo.	Lanham,	Robinson, Ind.	Williams, Miss.
Cooney,	Latimer,	Robinson, Nebr.	Wilson, Idaho
Cowherd,	Lester,	Rucker,	Wilson, N. Y.
Crawford,	Levy,	Ruppert,	Wilson, S. C.
Cummings,	Lewis,	Ryan, N. Y.	Young, Va.
Davenport, S. W.	Little,	Ryan, Pa.	Zenor,
Davis,	Livingston,	Salmon,	Ziegler.
De Armond,	Lloyd,	Scudder,	

ANSWERED "PRESENT"—6.

Bartholdt,	Naphen,	Southard,	Van Voorhis.
Bishop,	Needham,		

NOT VOTING—67.

Acheson,	Emerson,	Kerr,	Spalding,
Boreing,	Fitzgerald, N. Y.	Lawrence,	Sparkman,
Boutelle, Me.	Fitzpatrick,	Lentz,	Sprague,
Bradley,	Fleming,	Loud,	Stallings,
Broussard,	Fox,	Loudenslager,	Steele,
Campbell,	Freer,	McCall,	Stewart, N. Y.
Carmack,	Gayle,	Miers, Ind.	Sulzer,
Catchings,	Gibson,	Moon,	Thropp,
Cooper, Tex.	Gillet, N. Y.	Norton, Ohio	Tompkins,
Cox,	Gordon,	Norton, S. C.	Vreeland,
Crowley,	Hall,	Olmsted,	Wadsworth,
Cusack,	Hawley,	Packer, Pa.	Warner,
Daly, N. J.	Heatwole,	Polk,	Watson,
Davey,	Hemenway,	Reeves,	Weymouth,
Dayton,	Hitt,	Smith, Ill.	Williams, W. E.
Dougherty,	Jett,	Smith, Ky.	Wright.
Dovener,	Joy,	Smith, Wm. Alden	

So the resolutions were agreed to.

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I move to reconsider the vote just taken and to lay that motion upon the table.

Mr. BARTLETT. Upon that, Mr. Speaker, I call for the yeas and nays.

Mr. HOPKINS. Oh, no; the gentleman will not do that.

Mr. BARTLETT. Yes, I will.

Mr. MANN. Then, Mr. Speaker, I withdraw the motion to reconsider.

Mr. BARTLETT. I withdraw the demand for the yeas and nays.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the resolutions were agreed to, and also moves to lay the latter motion upon the table. Without objection, the latter motion will be agreed to.

Mr. MANN. I ask that Mr. Aldrich appear at the bar of the House and be sworn in, Mr. Speaker.

The SPEAKER. The gentleman will step forward.

Mr. Aldrich came to the bar of the House; and the Speaker administered the oath of office to him.

PRIVATE PENSION BILLS.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Rules to submit the following report.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom were referred resolutions of the House numbered 18, 128, 135, and 157, have had the same under consideration, and respectfully report in lieu thereof the following:

"*Resolved*, That during the remainder of this Congress the second and fourth Fridays in each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein made shall be in lieu of the evening session provided for by section 2 of Rule XXVI, and section 6 of Rule XXIV and section 1 of Rule XXVI are hereby modified to conform herewith. And on each bill considered under this rule there shall be allowed ten minutes of debate in favor of the bill and ten minutes in opposition thereto."

Mr. DALZELL. Mr. Speaker, in brief, the object of this rule is to substitute two days in each month for the Friday evening sessions for pension business, and to abolish the Friday evening sessions.

Mr. RICHARDSON. I would like to have some explanation of the latter part of the rule, which gives ten minutes for debate on each side.

Mr. DALZELL. The latter part of the rule provides that there shall be twenty minutes' debate upon each pension bill.

Mr. HOPKINS. Ten on a side.

Mr. DALZELL. Ten on a side—that is, we have adopted a rule that has prevailed at times in previous Congresses, and has been found to work satisfactorily.

Mr. LACEY. I want to ask the gentleman a question.

Mr. RICHARDSON. One moment. I hope the gentleman will allow me.

The SPEAKER. The gentleman from Tennessee has obtained permission of the gentleman from Pennsylvania to ask him a question.

Mr. RICHARDSON. I only want to say that this is an entirely new provision in the first consideration of pension bills. We have never had any limit under any rule for the consideration of a bill in the first case; but the rule to which the gentleman refers was only applied where the bill had received consideration in Committee of the Whole at a Friday evening session and had been favorably reported to the House, and then in the House there was this limit of debate of which the gentleman speaks, but as a fact there has been no limit of debate in Committee of the Whole as to each particular bill.

Mr. DALZELL. I think my friend from Tennessee is mistaken. I think the rule is entirely like that of previous Congresses. The gentleman can see very readily, without undertaking to enter into a discussion of the reason for this rule, that the same influences that operated to prevent pension legislation at these night sessions can operate to prevent any pension legislation if there be no limit of debate.

Mr. LACEY. Now, will the gentleman allow me to ask him a question?

Mr. DALZELL. I yield to the gentleman for a question.

Mr. LACEY. I notice that the rule then proposes to consider bills removing political disabilities. I call the attention of the gentleman to the fact that the last Congress removed the only political disabilities existing. That ought to be stricken out, and have the last remnant of that question eliminated from the rules.

Mr. DALZELL. I will say to my friend from Iowa that we merely copied the rule as it now exists because we intended this to be a substitute in lieu of it; and it does no harm.

Mr. LACEY. Why keep that alive when there is not a living

soul whose disability was not removed in the last Congress, immediately preceding the war with Spain?

Mr. DALZELL. Then we will not have any trouble with cases of that character.

Mr. RICHARDSON. I want a little time.

Mr. MAHON rose.

The SPEAKER. Does the gentleman yield to his colleague from Pennsylvania.

Mr. MAHON. I would like to have a little division of the time for and against this resolution.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] controls the time.

Mr. MAHON. He is in favor of the rule. Who is controlling the time against it?

Mr. DALZELL. How much time does the gentleman want?

Mr. MAHON. Twenty minutes, the time that the rule allows.

Mr. DALZELL. How much do gentlemen on the other side want?

Mr. RICHARDSON. Well, I would not have wanted over five minutes——

Mr. DALZELL. I will yield you five minutes.

Mr. RICHARDSON. Except for the new feature which is included in the rule. I understood, Mr. Speaker, that the rule to be reported was to be a copy of the old rule, except that it was to be made applicable to day sessions on two Fridays of the month and abolish the night sessions on Friday night. I did not understand that the rule changed the mode of procedure in considering these bills when they are called up. That is a change, and presents a new feature.

Mr. DALZELL. The rule is precisely as it was when submitted to the gentleman from Tennessee. I have handed in the exact copy which I handed to my friend from Tennessee. I do not believe he read it.

Mr. RICHARDSON. I did not; but I understood the gentleman to say it simply changed the rule as it existed, abolishing the night session and taking two day sessions, and to that I was making no objection; but I do not hardly see my way clear to support a change of the rule which limits the debate on each bill and gives such a brief time for consideration. I want to find the old rule, and in the meantime the gentleman can yield to his colleague.

Mr. DALZELL I yield ten minutes to the gentleman from Pennsylvania for the purpose of debate.

The SPEAKER. Does the gentleman yield from his time?

Mr. DALZELL. The gentleman from Tennessee only wants five minutes.

Mr. RICHARDSON. I want a little more time than that to consider this other feature. I want at least fifteen minutes.

The SPEAKER. Does the gentleman from Pennsylvania reserve his time and yield to the other side?

Mr. DALZELL. I yield, first, fifteen minutes to the gentleman from Tennessee, and reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I would like to have the rule again read.

The SPEAKER. Let the rule be again reported in the time of the gentleman from Tennessee.

The Clerk again read the rule.

Mr. DALZELL. Mr. Speaker, before my friend from Tennessee proceeds, I want no misunderstanding about this. If the gentleman from Pennsylvania [Mr. MAHON] desires time in opposition to the resolution, he will have to get it from my friend from Tennessee [Mr. RICHARDSON].

Mr. MAHON. The gentleman from Pennsylvania yielded me fifteen minutes. He does not need to yield me time unless he cares to; but I notify him that he will need it in the future on some other matters. He can call the previous question if he wants to.

Mr. RICHARDSON. How much time does the gentleman from Pennsylvania [Mr. DALZELL] yield?

Mr. DALZELL. Fifteen minutes.

Mr. RICHARDSON. Mr. Speaker, as only fifteen minutes are given me for debate on this proposition, I wish to use only a few minutes of that time, and then I will yield to certain other gentlemen who desire to be heard.

I confess, Mr. Speaker, that I am taken by surprise when I find the rule reads as it does. I was present at the committee meeting when this rule was ordered reported, and I distinctly understood, without hearing the resolution read, that the proposition was to repeal so much of the rule as provides for the consideration of pension bills on Friday evening and to substitute for every Friday evening in the month two Fridays of each month in the daytime. Now, you can see very well that the proposition presented to us is a wholly different proposition. I say it is unprecedented in our history.

The gentleman from Pennsylvania [Mr. DALZELL] is mistaken when he says it is a copy of any rule that ever obtained in the House of Representatives. There has never been a time when debate on pension bills was limited to ten minutes on a side, or twenty minutes in all. There have been agreements and rules to limit this debate in special cases to twenty minutes—that is, where these bills have received full consideration in Committee of the Whole on Friday evening, the previous question being ordered, it has been agreed, I say, in cases of that kind, that the bills would be voted upon in the House, on some subsequent day, at a day session, and then that there should be ten minutes debate for and ten minutes against the pending bill; but never has there been an attempt to cut down debate for only twenty minutes, in Committee of the Whole or in the House, as an original proposition, upon a bill of this character.

I submit, therefore, that we can not agree to the passage of this rule in this form. If the gentleman had simply brought the rule here providing, as in clause 2 of Rule XXVI, that we should have two days in each month, instead of four nights, for the consideration of the class of bills referred to in the rule, I should not have opposed it very strenuously. I should then have said what I will now say, that never before in our legislative history has it been necessary to consider pension bills in a day session.

On the other hand, no matter whether the Democratic party was in power or the Republican party in power in the House, there never has been any difficulty in bringing a sufficient number of members to the night session to pass pension legislation. And now these gentlemen of the majority come forward by their rule and admit that, with a clear Republican majority on this floor—and one that is gradually increasing, it seems [laughter and applause on the Republican side], but will be decreased after the next election, I hope [applause on the Democratic side]—you find it necessary, with your increasing majority, to set aside the night sessions and bring a rule here to take day sessions in order to pass pension bills for the benefit of the old soldiers.

It seems to me that with your majority you ought to have had no difficulty in bringing a quorum here on Friday nights, if you desire to pass pension bills. This is the first time it has ever been necessary to ask for this legislation only in the daytime, and if your zeal in behalf of the old soldier was as great as you would have the old soldier believe it is, it would not be necessary now to abolish night sessions, but you would bring a quorum of the House here which you have, and pass these bills.

Now, I should have said that, and I would not strenuously oppose this change to day sessions, because we all admit that it is a little more convenient for us to come to the House in the daytime than it is at night. But I do insist, and if I have the opportunity to do so I shall move to strike out so much of this rule as limits the debate to twenty minutes. Gentlemen on that side must recognize the fact that this is not right. The time will come when you gentlemen will want to debate pension propositions longer than ten minutes.

Great questions are sometimes raised in pension bills, and it seems to me it is unnecessary for gentlemen to insist on this limit. I do not think they will find filibustering against pension legislation here in the daytime. I am quite sure I can safely say for gentlemen on this side of the House that there will be no disposition merely to consume time in opposition to pension legislation. The old soldier has been treated just as well when the Democratic party was in majority in this House, and as many private pension bills were passed, as when the Republicans were in the majority.

There has never been any question about that. They have never complained that they could not get all the legislation needed from a Democratic House. It will be time enough to place a limit on discussion when any difficulty in that direction shall arise. I assure gentlemen on the other side there will be no filibustering on this side of the House against pension legislation in the daytime under this new rule; and there can be no occasion, no necessity, for limiting discussion on these matters to twenty minutes.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has exhausted ten minutes of his time.

Mr. RICHARDSON. Then I yield five minutes to the gentleman from Pennsylvania [Mr. MAHON], if he will take it.

Mr. DALZELL. I yield to the gentleman from Pennsylvania [Mr. MAHON] any reasonable time that he may desire.

Mr. RICHARDSON. Then I reserve the remainder of my time.

Mr. DALZELL. I yield the gentleman from Pennsylvania five minutes.

Mr. RICHARDSON. And I reserve my time.

The SPEAKER. The gentleman from Tennessee, as the Chair understood, first yielded five minutes to the gentleman from Pennsylvania and afterwards reserved his time.

Mr. RICHARDSON. I understood the gentleman from Pennsylvania to decline the time I offered him.

Mr. MAHON. It was not as much time as I desired. But my colleague [Mr. DALZELL] has given me five minutes more, and if the gentleman from Tennessee will yield me five, that will make ten.

Mr. RICHARDSON. All right; I yield to the gentleman from Pennsylvania five minutes.

The SPEAKER. The gentleman from Tennessee yields five minutes, and the gentleman from Pennsylvania [Mr. DALZELL] five minutes, to the gentleman from Pennsylvania [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I have been a member of this House for nearly eight years. My record is that I have never voted against a general or a private pension bill. And I want to say to members of this House that there have come from the committee of which I am chairman bills which are on the Calendar to-day, involving claims of soldiers of the civil war and of the Spanish-American war, which in importance are far above the claims of any deserter whose bill might be covered by this proposed rule.

The third month of this Congress has gone; yet not a day has been allowed for the consideration of bills reported from the Committees on Claims and War Claims; no opportunity has been afforded to consider the just claims of private citizens against this Government. This proposed rule will virtually wipe out in this Congress the work of Claims and War Claims Committees.

If you want to spend two days a month here considering private pension bills, all right. If you want to spend half your time in fixing up records of men who deserted in the face of the enemy, take it. Mr. Speaker, we have wasted seven days on an election case; and there are nine more of such cases to come. There are on the election committees lawyers who can present these cases by arguments occupying not more than two hours on a side. If they would do so, this House would listen to them. But if the nine election cases remaining are each to occupy five or six days, they will take up nearly two months of the time of this House in prolonged discussion to which gentlemen of the House never listen.

I am in favor of considering and passing these private pension bills; but there is ample time, if we properly use our time, to pass them without this rule. Why are we to adopt this rule? Because the gentleman from South Carolina, who represents 4,073 voters out of 24,000 in his district—who is not here by the vote of a majority of the voters of his district—puts himself against his colleagues on the other side and the Republicans on this side in obstructing private pension legislation. I wish and hope and believe that the result of his course may be that some Republican or Populist down in the gentleman's district may be induced to run against him for Congress and break up the rotten record of his district——

Mr. TALBERT. I am not afraid of any Republican or Populist——

Mr. MAHON (Mr. TALBERT continuing to speak). It would give me great pleasure if——

The SPEAKER. The gentleman from South Carolina [Mr. TALBERT] is out of order.

Mr. MAHON. It would give me great pleasure in the Fifty-seventh Congress to assist in throwing him out of his seat, because he never was elected.

[While Mr. MAHON proceeded, Mr. TALBERT continued to speak.]

The SPEAKER. The gentleman from Pennsylvania will suspend. The gentleman from South Carolina is out of order. When any member desires to interrupt another who is occupying the floor he must, under the rules, address the Chair, and through him secure the consent of the gentleman on the floor.

[Mr. TALBERT continued to speak, amid cries of "Order!"]

The SPEAKER. The gentleman from South Carolina is out of order; and the Sergeant-at-Arms will take charge of him if he does not obey the Chair.

Mr. MAHON. Mr. Speaker, day in and day out the gentleman has sat here and seen great bills, involving important general legislation of all kinds, pass through this House when there was no quorum here, and he knows it. Nevertheless, at Friday night sessions, when pension legislation was before the House, he has made it his business to bring about this result by demanding that a quorum shall be present. Now, Mr. Speaker, I wish to acquit the Democrats on the other side of the House, with the exception of himself, from any such imputation. They are opposed to him in this regard, and I should be heartily glad if in the Fifty-seventh Congress I might be able in a contest to help to throw him out of the House.

Mr. TALBERT rose.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. MAHON. I do not yield to the gentleman from South Carolina. Now, as I said before, I represent a district which is largely interested in claims pending before this House. Of course all the members here know that when the House has been in session for a long day, and the committees have been working, it is not practicable, and often impossible, to find members who are able to come back here for the night session.

But I represent a district here that has been clamoring at the doors of Congress for thirty-five years to get through the House just claims, which are due to the people of my State; and my people can not understand why Congress—Congress after Congress—makes no provision for their payment. These are people—and God knows the fact—that have suffered just as much as many of the men and women who are on the Private Pension Calendars of this House.

I hope the Committee on Rules, before a vote is taken, therefore, will give consent to an amendment that one Friday in the month shall be devoted to the consideration of private pensions, one to the Private Calendar, and one to the war claims, which are already pending upon the Calendars. If this is done, I shall have no objection to the proposition. If not, I feel like voting against it. I think this is only a proper request to make and one that must meet the approval of the House.

Mr. TALBERT. Mr. Speaker, I would like to ask unanimous consent to be permitted to address the House for some five or eight minutes.

Mr. MAHON. I will answer any question the gentleman desires to ask now.

Mr. TALBERT. I do not want to ask the gentleman a question. I want time in my own right.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor if he wishes to proceed. The gentleman from South Carolina asks unanimous consent that eight minutes of time be allotted to him in the discussion. Has the gentleman from Pennsylvania yielded the floor?

Mr. MAHON. I have not.

Mr. TALBERT. Then I will make the request when he gets through.

Mr. MAHON. I have offered to yield to the gentleman for any question he desires to ask.

Mr. TALBERT. I do not wish to ask the gentleman a question. He is hardly in a mood now to answer any question.

Mr. MAHON. Oh, yes; he is.

I believe it will take unanimous consent now, Mr. Speaker, as I understand the rule, to amend this report? If in order, I move to amend it.

The SPEAKER. It is not in order to offer an amendment under the circumstances.

Mr. MAHON. Very well.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent that I may have eight minutes of the time of the House, and hope, under the circumstances, that I will not be denied that privilege.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. DALZELL. Mr. Speaker, I will yield eight minutes to the gentleman from South Carolina.

Mr. TALBERT. I am very much obliged to the gentleman.

Mr. Speaker, I would not have said a word but for the uncalled-for attack of the gentleman from Pennsylvania. We have witnessed here to-day a most remarkable spectacle. The utterances of the gentleman from Pennsylvania who has just taken his seat [Mr. MAHON] are unbecoming to any gentleman who occupies a seat on either side of this House. Without excuse and without provocation, he says here in his place, deliberately, as a member of this body, that he wishes in the next campaign in my district to induce some Populist or Republican to run against me in order (please listen) to bring a contest here against me so that he may have an opportunity of voting to throw me out, without law, without justice, and without evidence, just like they threw the gentleman from Alabama, Mr. Robbins, out a few moments ago. [Applause on the Democratic side.] I suppose he speaks for his party, and as he is speaking for his party I want the country to know that that is your custom and that is your method of procedure in the Republican party whenever it suits your purpose so to act.

What has the gentleman from South Carolina done to be thus assailed? What offense have I committed. Why, I have only stood up here, sir, in the exercise of my right as a member of this body and demanded that, under the rules and in the constitutional way, the business of this body should be transacted. But gentlemen on the other side, if they are opposed to the Constitution and to honesty and justice, as they seem to be, have a perfect right to claim their privilege and threaten to throw me out of the House, if perchance a contest shall arise against me some time in the future, simply and merely for the proper exercise of my constitutional prerogatives. Now, if that be your policy, gentlemen, pronounced by the gentleman from Pennsylvania [Mr. MAHON], you are entirely welcome to any such proposition as that. [Applause on the Democratic side.] In that you will only be doing what you do on all occasions.

You are to-day proceeding and acting in everything outside of the Constitution, and I want to say that you present yourselves to the country to-day as the hypocritical and pretended friends of the old soldiers when in your secret hearts you have no such feelings whatever. You only desire to electioneer with the public Treasury to continue yourselves in office. The gentleman has said that I was silent in the Fifty-fifth Congress because I had a contest. I deny it, and stand here to say that I fought fraudulent pensions as I am now doing and as I intend to do.

Why have these rules been brought in here? Not on account of anything that "the gentleman from South Carolina" has done or

said. Well, then, why? Because the majority party in this House, in their hypocritical cant, are unwilling to spend a few hours once a week at night in order to give the old soldier justice. You are unwilling to leave your pink teas and polka parties to come here to do the old soldier justice. [Applause and laughter on the Democratic side.] Only last Friday night, I am told, a number of you were absent attending a farewell tea party. Ah, ye hypocrites, ye pretenders, ye scribes and Pharisees! Ye whited sepulchres, full of dead men's bones within, though white outside. [Laughter.] It will be more tolerable for Tyre and Sidon than it will be for you in the day of judgment. [Laughter.]

And then I want to say further that if any gentleman upon that side of the House thinks that he can deter me from exercising my constitutional rights as a member of this House by threatening to turn me out on a probable contest, he mistakes his man. Turn out and be blanked! There are not enough Republicans in this House to intimidate me. And I want to say, turn me out once, and I will come back to haunt you again. Like Banquo's ghost, I will not down.

I am here to represent my people upon the question of pensions as well as upon all other questions. I intend to do what I think is right, though the heavens fall. Run as many men as you please against me, I will say to the gentleman from Pennsylvania.

I want to say, Mr. Speaker, while you abruptly and unjustly threatened to put the Sergeant-at-Arms upon me, a member who was in order, I think the Sergeant-at-Arms ought to have taken the gentleman from Pennsylvania [Mr. MAHON] by the nape of the neck and dragged him out of this Hall for making this personal assault upon a member who was only exercising his constitutional rights and privileges.

I want to say here and now that I intend to stand by my original proposition, that if you wish to come here and appropriate money for your deserters, your coffee coolers, your bounty jumpers, you have got to bring a quorum here to do it.

You can bring in here as many rules as you please. I do not care if you take every day in the week. You are responsible. And I want to say that was one of my two objects. One was to force you hypocrites—I will not say liars, because that is too unparliamentary—to force you hypocrites, because you are a set of hypocrites [laughter on the Democratic side], to either bring out a quorum on Friday nights or abandon them entirely and take the day time.

When you brought in your Puerto Rican bill, you stood up here and pretended that you wanted to pass it because the Puerto Ricans needed immediate relief and that was the only way to get it, and that very night you held a midnight conspiracy with the President—midnight marauders as you are—and brought in here an appropriation the next morning for money that you knew was in the Treasury at the very time you were urging the passage of the tariff bill. And yet you told a falsehood when you said you wanted to pass this tariff bill for immediate relief, because you knew it would take twelve months, under the operations of that bill, before you could relieve them. That is one of the reasons why I say that you are hypocrites. [Applause on the Democratic side.]

Now, I want to say again that I do not pretend to exercise a single right that I have, except that which is guaranteed me by the rules, the Constitution, and the laws of my country. And if you wish to undertake to turn me out because of that, crack your whip, for it only accentuates and shows more plainly to the country that you are yourselves violators of the law, violators of the rules, and violators of the Constitution of this the greatest nation upon the face of the earth.

I want to say again: Bring in your rules and pass them, as many of them as you please. Take the responsibility; and if I am able to drag myself here on those days, I will meet you here and demand that you bring a quorum to pass these bills in the daytime, as I did in the night. [Applause on the Democratic side.] And in doing this I want to say again that it is not my purpose to oppose the passage of a single meritorious claim for the pension of a single brave, patriotic old soldier.

In conclusion, allow me to say that I will continue to do my duty along this line; and if this be treason "make the most of it." [Applause.]

Again, before I take my seat, I want to say that I am not responsible for the introduction of this new rule, but that the responsibility must rest with those who were unwilling to furnish a quorum to do business; and I want also again to resent the insinuation of the gentleman from Pennsylvania that I did not oppose any pension legislation in the Fifty-fifth Congress because, forsooth, there was a contest on my hands. The record will show that I was always on hand during that Congress and opposed such measures as I deemed unworthy of passage, notwithstanding the existence of a contest. I am sorry that I have consumed so much of the time of the House, and should not have done so but for the nonsensical and unprovoked attack of the gentleman from Pennsylvania [Mr. MAHON]. [Applause.]

Mr. DALZELL. I yield to my colleague from Ohio [Mr. GROSVENOR].

The SPEAKER. How much time?

Mr. DALZELL. Five minutes.

Mr. GROSVENOR. Mr. Speaker, the gentleman from South Carolina is always consistent and always stands by the Constitution. I do not deny that he feels a great moral, personal, and political obligation laid upon him to see to it that pension bills are not passed without a quorum. Of course he differs in that respect from one hundred and sixty-odd other gentlemen on his side of the House, but we are bound to presume that he is the temporary custodian of the conscience of his party.

Now, I want to call attention to the fact that there is a sort of riparian growth in his conscience, a sort of aggregation of conditions. I was a member of the Fifty-fifth Congress, and the gentleman from South Carolina was here also. In that Congress he never once made the point of no quorum at a pension session, never. His conscience had not swelled up to the magnitude that it now occupies.

Now, I will never say anything unkind of the gentleman, but when there is such a change of heart as that, I would advise gentlemen here who desire to study the question to look at the records of the Fifty-fifth Congress and see whether there was any reason that might have suggested to the gentleman to keep the peace during that Congress. [Applause and laughter on the Republican side.] Now, can it be possible that my friend——

Mr. TALBERT. Will the gentleman repeat that remark? I did not catch it.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. TALBERT. I just want to ask the gentleman what he said. I did not catch his remark.

Mr. GROSVENOR. I said I did not know but that anybody by a careful examination of the records of the Fifty-fifth Congress might find some reasons why your conscience had not got up to the sticking place about the Constitution that it has now. Now, why is it? But I must turn aside. I have only suggested it. I do not know that the conditions in the Fifty-fifth Congress have anything to do with his course in that matter. I want to show how mean people—mean men like the gentleman from Pennsylvania—might turn around and suspect that the gentleman was holding his conscientious scruples about the Constitution in abeyance during the pendency of certain matters in the last Congress.

Now, Mr. Speaker, I want to say to my friend from Tennessee something I believe I am better capable of stating with knowledge of the facts than he. The old soldiers of this country—I speak of the great body of the great Army of the Republic, both the members upon the roll of that splendid organization and the men who are not on those rolls—are not worried about these private pension bills. There is an underlying feeling that there is perhaps connected with them a discrimination in favor of the men who are thereby to be benefited by pensions which has no general application to the whole Grand Army. So I have stood here year after year and heard these shots fired from the other side about——

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I will yield further time to the gentleman.

Mr. GROSVENOR. How much time have you?

Mr. DALZELL. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has twenty-five minutes remaining.

Mr. DALZELL. I yield ten minutes to the gentleman.

Mr. GROSVENOR. We have pretty liberal pension laws, but not such as we would like to have. I have long been a convert to the doctrine of a service-pension law [applause]—a law that would give to every honorably discharged soldier a pension. I want to say to my friend that every private pension bill that passes which is a favor to a single soldier or a single widow proves a source of criticism from thousands of soldiers, widows, and citizens. Ninety-nine out of every hundred soldiers are remitted to the general pension law, and special cases come here. The other soldier is remitted to his rights under the law, and he is jealous of the man who gets his special favor.

Since I have been a member of Congress I have procured the passage of two pension bills to repension widows who had been pensioned and remarried and got into trouble one way or another with their second husbands. Instead of there having been any good feeling about it, I have been criticised about those two bills more than any other official act of my life; and you will find that it is true all along the line. There is a class of cases that occur——

Mr. RICHARDSON. Will the gentleman allow me to interrupt him?

Mr. GROSVENOR. Yes, sir.

Mr. RICHARDSON. I agree with the gentleman that a large majority, if not nearly all, soldiers can get their pensions when they are entitled through the Bureau, and that the bills that come here are where they have been denied a pension under the general laws in the Bureau.

Mr. GROSVENOR. Very many of them.

Mr. RICHARDSON. And nearly all that come here are because of some special reason. Now, what I wish to emphasize, and I think the gentleman ought to agree with me in it, is that where these bills are outside of the law, or where, because of some technical reason, the Bureau can not give them a pension, we ought to have more than ten minutes on a side on those bills.

Mr. GROSVENOR. The gentleman is quite right, and I had reached the point where I had said that there is a class of cases, when he interrupted me, that should be inquired into. I want to say that I have not looked carefully into the reports of the present committee, but I feel, and always have felt, that the committee in the last Congress was exceedingly wise—I do not know but what this committee is quite as wise—in discriminating between cases that can not be pensioned there and cases that for some reason are not eligible to a pension and those that ought to be acted upon; and if we only had those cases here we would have no trouble in one day practically passing all of them.

When I am present at a pension session, which is not always, I rely upon the report of the committee, and therefore the length of time for debate, ordinarily, is not a matter of very serious import to me. There are two or three classes of business in this House where I hitch my dependence on the committee; one is the Pension Committee, and the other is the Committee on Contested Election Cases. I do not propose to be held always strictly accountable for every vote I make on these questions, and therefore, if I should vote to retain the gentleman from South Carolina [Mr. TALBERT] in his seat in the next Congress, I shall apologize to all the world because the committee reported in his favor, and because there is no other justification I could possibly have in my judgment. [Laughter and applause.]

Now, then, as one of the Committee on Rules, I have consented to this rule because in my judgment it will benefit the private pension claims and the claims from the committee so ably represented by the gentleman from Pennsylvania [Mr. MAHON]. What has that committee had up to this time? Nothing. Why? Because you have always got the condition that puts up one class of cases against another class. But if they have two Fridays in each month, there will be very little contest about giving them the right to be heard.

If we have pension cases on two Fridays, in my judgment, we can pass all that the Committee on Invalid Pensions will feel that ought to be taken up. They report some bills that ought not to be taken up, and they are absolutely right about that. What I would like to have is that they should bring in one or two general propositions that I would like to vote for. So, Mr. Speaker, the report of the Committee on Rules is not intended to injure either one of this class of cases, but will be a benefit to both of them.

Mr. RIDGELY. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. DALZELL] yield to the gentleman from Kansas?

Mr. DALZELL. I can not yield to the gentleman, Mr. Speaker, as I desire the remainder of my time myself. The gentleman from Tennessee [Mr. RICHARDSON] does not object, as I understand, to the first part of the rule, that which substitutes two week days in the month for the evening sessions of Friday, but to that part which limits the debate; and he is opposed to that because he says it is unprecedented. Before I call his attention to the precedents, let me say to the gentleman, for I would have no misunderstanding about it, that this rule, as reported, is precisely in the condition it was in when it was submitted to the gentleman in the room of the Committee on Rules.

Mr. RICHARDSON. I take no issue with the gentleman on that. I assumed that it was only the change that had been indicated.

Mr. DALZELL. The gentleman from Tennessee is under the impression that rules of a like character which have been adopted in previous Congresses had relation to the discussion in the House and not to discussion in Committee of the Whole House.

Mr. RICHARDSON. In the House after the bills had received consideration in Committee of the Whole.

Mr. DALZELL. I want to call the gentleman's attention to the rule that was adopted at the first session of the Fifty-fourth Congress on the 5th of May, 1896.

Resolved, That Wednesday, May 6, 1896, and Wednesday, May 13, 1896, immediately after the reading of the Journal on each day, the House shall resolve itself into the Committee of the Whole House for the consideration of such bills as are in order on sessions of Friday evening; and in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

Mr. RICHARDSON. I want to ask the gentleman if each one of these bills was not considered or had not had consideration in the Committee of the Whole?

Mr. DALZELL. Not at all.

Mr. RICHARDSON. Then he will find, if he will pardon me, that this resolution only applied especially to one or two days and not to any general amendment of the rule.

Mr. DALZELL. That may be a modification of the gentleman's statement. Here is a precedent where the debate was limited to five minutes on a side, and where two days were set apart for consideration immediately after the reading of the Journal, and where the debate was limited in the Committee of the Whole House.

I call the gentleman's attention again to a resolution which was adopted in the second session of the Fifty-fourth Congress, on Tuesday, the 19th day of January, 1897:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order at sessions on Friday evening, and in consideration of such bills under the resolution ten minutes' debate shall be allowed on each bill with amendments thereto, such time to be divided equally between those favoring and those opposing the bill.

So my friend is mistaken when he says this is an unprecedented rule. My friend will recognize the fact that precisely the same influences that compel the introduction into the House to-day of the main provision of the rule providing for day sessions compel also some limitation on debate. All gentlemen are familiar with the history of attempted pension legislation in this Congress. I do not lay any blame to that side of the House.

I have been told time and again by gentlemen on that side of the House, without number, that they were willing to contribute so far as they could to pension legislation, and that they regretted the fact that a single one of their members came here night after night and raised the technical objection against going into Committee of the Whole, which requires the presence of only 100 members, that there were not present to pass that perfunctory motion a quorum of the whole House.

And I want to say that I do not believe that in any Congress that I have known the Friday evening sessions of the House have been so well attended as they have been during the present Congress. I find, for instance, that on one evening there were present 117 members, 17 more than were necessary, under the rules, to do business, and there stood between them and the effort to do business the simple technical objection that there were not 179 members to adopt a motion to go into Committee of the Whole. I find that on another evening there were 169 members present, 9 less than a quorum; on another evening 156 members; and on last Friday evening 171, only 7 less than a quorum.

Mr. DRIGGS. If the gentleman will allow me, I would like to ask whether, in examining the list of members present at those evening sessions, he has observed the political sides that they occupy?

Mr. DALZELL. Oh, I have not drawn any distinction between Democrats and Republicans on pension legislation. I do not know of any Democrat that differs from a Republican with respect to pension legislation except the gentleman from South Carolina.

Mr. TALBERT. Will the gentleman allow——

Mr. DALZELL. I will not "allow." I decline to yield to the gentleman.

I draw no such distinction, because I am not imputing blame to that side of the House. I do not think blame is to be imputed to either side of the House with respect to these Friday night sessions. When you take into consideration the number of members constituting this body, the number that must at all times necessarily be absent, the number who are sick, the number who are physically incapable of attending to committee duties, and after spending five hours in the atmosphere of this House, of coming here to an evening session, I think that the record is a remarkable one and one of which both sides of the House have a right to be proud.

Why, gentlemen, to show the technical, and, if I should indulge in such language as has been indulged in here to-day, I might say the hypocritical, objection against proceeding with Friday evening pension legislation, I call your attention to the fact that the only thing the House has to do on Friday evening, as contemplated by the rule, is to go into Committee of the Whole; and to say that you shall have 79 more members present every Friday evening than are necessary to transact business on that evening, under the rule, simply for the purpose of passing a single perfunctory motion, is to show the insincerity of the whole business.

So that I end as I began: The necessity that prompts the introduction of the main rule prompts the introduction of the rule providing for limitation of debate, so that members on both sides of the House who are interested in proper legislation for the old soldier shall have an opportunity, without any hypocritical objection, to legislate in accordance with their will.

Mr. Speaker, I ask for the previous question.

Mr. RICHARDSON. I ask the gentleman to yield one minute——

Mr. DALZELL. I yield to the gentleman for a moment.

Mr. RICHARDSON. In view of the fair statement which the gentleman has made, acquitting this side of the House of any disposition to defeat pension legislation, why can we not agree that

the rule may be adopted without the clause limiting debate to ten minutes on a side? Because I assure the gentleman there will be no disposition to fritter away the time. It is because I dislike to see the precedent established of putting into the permanent rules of the House a limitation of this kind upon debate that I make this suggestion. I believe the gentleman can accomplish all he wishes in the way of pension legislation without it.

Mr. DALZELL. Now, Mr. Speaker, without wishing to say anything unkind to gentlemen on the other side, I must remark that the gentleman from Tennessee can not be responsible for that side of the House, because, though a while ago he said he would guarantee to us that there would be no filibustering, yet the gentleman from South Carolina who followed him within ten minutes announced that on all possible occasions when he could drag himself to the House he would filibuster, if nobody else did.

Nevertheless, having said that much, I now accept the suggestion just made by the gentleman from Tennessee and withdraw the latter part of the proposed rule. [Applause.]

The SPEAKER. Without objection, the ten-minute limitation will be withdrawn from this proposed rule. The Chair hears no objection.

The question being taken on agreeing to the resolution as modified, it was decided in the affirmative.

The SPEAKER. The proposed rule as modified is adopted.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—WISE VS. YOUNG.

Mr. WEEKS. Mr. Speaker, it was arranged that the contested-election case from the Second district of Virginia—Wise *vs.* Young—would follow immediately the contested-election case just disposed of this afternoon.

The SPEAKER. Notice was given to that effect.

Mr. WEEKS. Notice was given to that effect. I now renew my notice, and am about to ask that the case be taken up. But previous to doing so, I desire to offer a resolution on a question of personal privilege.

The SPEAKER. The gentleman from Michigan, from the Committee on Elections No. 3, submits the resolutions which the Clerk will report.

The Clerk read as follows:

In the contested-election case of Richard A. Wise against William A. Young, I offer the following resolutions in lieu of the resolution in the report of the majority of the committee:

Resolved, That William A. Young was not elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is not entitled to a seat therein.

Resolved, That Richard A. Wise was duly elected a member of the Fifty-sixth Congress from the Second Congressional district of Virginia and is entitled to a seat therein.

Mr. WEEKS. Now, Mr. Speaker, I offer these resolutions in lieu of the resolutions reported by the Committee on Elections.

The SPEAKER. Does the minority of the committee wish its substitute resolution to be pending at the same time?

Mr. BURKE of Texas. The minority of the committee, Mr. Speaker, ask that their resolution be considered as pending.

The SPEAKER. Then the substitute proposed by the minority will be considered also as pending.

Mr. WEEKS. That is correct.

The substitute resolution is as follows:

Resolved, That William A. Young was duly elected to a seat as Representative from the Second Congressional district of Virginia in the Fifty-sixth Congress of the United States and should retain the same.

Mr. BURKE of Texas. Now I respectfully ask the gentleman from Michigan that we make this kind of an agreement: That this case be taken up immediately after the approval of the Journal to-morrow and be discussed until half past 2 o'clock on Saturday afternoon, at which time a vote shall be taken in the House. And I make that suggestion, Mr. Speaker, on this ground. It is now half past 4 o'clock——

Mr. DALZELL. Let me interrupt the gentleman from Texas to state that to-morrow, under the rule just adopted, is set aside for the consideration of private pension bills.

Mr. BURKE of Texas. What is the statement of the gentleman?

Mr. DALZELL. Under the rule just adopted to-morrow has been set aside for the consideration of private bills under the same order as has heretofore prevailed on Friday night sessions.

Mr. BURKE of Texas. Then I suggest that this case be taken up now, in view of what the gentleman from Pennsylvania has stated, and that a vote be had, say, at 4 o'clock on Saturday afternoon.

The SPEAKER. The gentleman from Texas makes a request which the Chair will submit to the House. The gentleman asks unanimous consent that this election contest, which has just been reported from the committee, be taken up for discussion now, and that a vote be taken on the same at 4 o'clock on Saturday afternoon. Is there objection to the request of the gentleman from Texas?

Mr. WEEKS. Mr. Speaker, I object. I should prefer very much—however much I would like to meet the wishes of the gentleman from Texas—I should prefer that this case be argued and submitted to the vote of the House on Monday at half past 2 o'clock.

Mr. BURKE of Texas. But that, the gentlemen will remember, is District day.

Mr. WEEKS. I know it is. But I rely upon getting the consent of the chairman of the District Committee to have a vote taken at that time.

The SPEAKER. The gentleman from Michigan objects to the request of the gentleman from Texas and makes a request in lieu thereof, which the Chair will submit to the House, that this case be considered now, and that on Saturday a vote be taken at half past 2 o'clock. Is there objection?

Mr. BURKE of Texas. In order to be entirely even with my friend from Michigan, and to be placed on all fours with him, I object. [Laughter.]

The SPEAKER. Objection is made. The gentleman from Michigan is recognized if he desires to proceed with the case now.

Mr. WEEKS. Mr. Speaker, I call up the case for present consideration, and will state to the House that I shall move the previous question at half past 2 o'clock on Monday next.

The SPEAKER. The gentleman has given notice of his intention.

Mr. MUDD. Mr. Chairman, I do not see the chairman of the District Committee here, but I desire to give notice to the gentleman that we will ask the House to assign the day properly belonging to the Committee on the District to that committee, and shall make objection to any other arrangement until I know his wishes in that regard.

Mr. WEEKS. Mr. Speaker, this contest comes from the Second Congressional district of Virginia, and the members of this House have been already advised of the facts claimed by the contestant through the report of the Committee on Elections No. 3, which has been delivered by mail, or otherwise, to the members of the House. In presenting the argument at this time in support of the report of the committee it will not, therefore, be necessary to go largely into detail, inasmuch as every member has had an opportunity of examining the report and the figures shown relating to the election in question, in every precinct, contested or otherwise, throughout the Congressional district.

The results of these figures show to the satisfaction of the majority of the committee that the contestant, Richard A. Wise, was honestly elected to the seat in this House over the contestee by a majority of 1,947 votes. This result is reached by first stating the returns from the uncontested counties of Charles City, Elizabeth City, and Norfolk and the city of Newport News, which gave to the contestant a majority of 549 votes; by throwing out of consideration the entire vote of Norfolk, save those proven by the contestant, 437 votes, and afterwards taking up in detail the other contested voting precincts in the district, throwing out the returns from those districts where the result is tainted with fraud, and giving to the contestant the votes proven to have been received by him; all of which is particularly and carefully stated in the report of the committee, and which would, on this basis, give to the contestant a clear majority over the contestee of 2,434 votes.

In attacking the returns from the city of Norfolk, the theory of the contestant, which was fully sustained to the satisfaction of the committee, was that there was a general plan or scheme, concocted by the partisans of Young, to prepare and have a false and fraudulent poll list and in some manner cause to be placed in the ballot boxes a sufficient number of fraudulent votes to approximately compare with these fraudulent poll lists, and on the count of the ballot, and making the returns to count all such fraudulent votes for the contestee, and thus defeat the contestant.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. WEEKS. Yes; one question.

Mr. HAY. I do not wish to interrupt the gentleman, if he does not desire to be interrupted.

Mr. WEEKS. I should prefer to make the argument as much in my own way as possible, for the reason that it consists largely of an examination of the figures. I am not going to talk about other matters outside of the case. I shall address myself to the House as an attorney would address a jury under the direction of the court, confining himself to the case on trial, and I shall indulge in very few of those glittering political generalities which are so interesting to some gentlemen on this floor, and which receive such generous applause on the other side. They are gems in their way, but we will lay them aside for this occasion.

It appears certain to the committee that this plan or scheme was worked thoroughly in the city of Norfolk in all its precincts, in some more thoroughly than in others; and it appears equally plain to the committee from the returns from all counties that the concoctors of this plan caused it to be spread over the district, and while the rural experts were not as cunning and intelligent as those who manipulated the Norfolk election, it seems to the committee very certain that the method of cheating in Norfolk was carried out wherever it was possible, and where this plan was

not carried out others were adopted quite as effective to carry out what the committee recognizes as a general scheme to cheat the contestant out of his election.

I shall direct my attention in the remarks I am about to make first to the city of Norfolk, where the frauds permeating the returns from every precinct are very transparent and were so clumsily worked as to deceive only the most unsophisticated. No doubt seems to exist that the 11 voting precincts in the city of Norfolk are badly tainted with this transparent fraud, and in all the precincts the performance was so similar that no doubt is left that it was planned and the motives of its practice disseminated to all the precincts from a common center. I call the attention of the House to the returns from all the counties outside of Norfolk, and any gentleman making careful figures will discover that upon these returns, of all the counties outside the city of Norfolk, contestant was elected by a majority of at least 2,400 votes when the returns are properly corrected and the results honestly obtained.

It is perhaps well to note the fact that in the Congressional election of 1898 the vote was unusually light. The returns in 1898 gave a total of 21,832 votes cast, of which 16,666 were from the counties and 5,166 from the city of Norfolk, the rural vote falling off 8,681, or over 34 per cent from the vote of 1896, and the vote of Norfolk in 1898 falling off only 13 per cent less than in 1896. It is curious to note also that the returns from the only four counties in the district uncontested—Charles City, Elizabeth City, Norfolk County, and the county of Newport News—shows that the falling off between the vote of 1896 and 1898 was nearly 50 per cent, and this remarkable change or falling off in the vote has not been explained and no one has attempted to explain it. It is also well to call the attention of the House to the fact, as will be seen on pages 70, 71, and 72 of the brief filed for the contestee, that the counsel for the contestee admits that no claim can be made for 1,060 of the 3,604 votes returned for him from Norfolk, and that the returns from both precincts of the Fifth Ward must be thrown out.

Mr. BURKE of Texas. Will the gentleman yield for a question?

Mr. WEEKS. I will.

Mr. BURKE of Texas. If the contestee concedes these votes and gives them up, wherein is the necessity for the gentleman's dwelling upon them at such length?

Mr. WEEKS. I will tell the gentleman from Texas. I am making these statements with regard to the two precincts so generously and gracefully yielded to the contestant on the ground of fraud, simply to illustrate and call attention hereafter to the fact that every other precinct in the city is just like that. They are worthy of mention as showing the general character of the election in the city of Norfolk.

An examination of all the returns from Norfolk will show that the returns from the two precincts of the Fifth Ward, conceded to be fraudulent, are exactly like those from other wards in the city in every essential characteristic, and the admission that they are false and fraudulent is a confession as to every other precinct in the city. I desire to state here that on the hearing and argument before the committee, counsel for the contestee, after having his attention called to the remarkable evidence of fraud in the returns and polling lists—the padding of the polling lists by the importation of false and fictitious persons—was asked in the presence of the whole committee whether he could explain the alphabetical arrangement of the names of alleged voters on the polling lists, as will be hereafter more specially referred to, and the counsel's reply was that he could not explain it. He was then asked the question whether he would justify before the committee such appearances, and with equal frankness stated that he would not.

Mr. Speaker, I claim that the same rule applies here that would in the trial of a suit in a court of law where the client is bound by the statements and admissions of his counsel made during the progress of the trial. No rule or practice is more familiar than this. Counsel in stating a case at the opening of a trial binds the party whose case he is stating; and if he has not stated a good and sufficient cause, the court would refuse to permit it to proceed and direct a verdict; so, in the midst of a trial of a suit at law counsel is asked whether such and such a proposition is admitted and states that it is, whereupon the court, taking the admission of the counsel, would direct a judgment or a verdict. This occurs so frequently that I need only refer to the fact, and every lawyer in this House will see the importance of the admission which was made by Mr. Brooke as against the contestee, for whom he was acting upon this hearing before the committee. If, therefore, the admission is held to be an admission of the contestee, every vote received by the contestee in the city of Norfolk must be discarded and the vote of the whole city must be given to the contestant, so far as he has proven the votes received by him, which, as already stated, amounted to 437. (See page 15 of the report of the committee.)

In discussing the vote of the city of Norfolk I will take the first precinct of the Fifth Ward as a sample. Seven hundred and nine men voted. The returns give Young 529 and give Wise 52. The votes returned, however, fall 20 short of what the poll purported to have been cast. The evidence shows that the Republican tally keepers, who knew that the vote polled was barely half as large as that cast in 1896, were surprised when they saw the returns; but when they saw the poll books, there was no difficulty in understanding how the thing could occur. By turning to the record page 1105, this remarkable evidence will be found:

That blocks of names of men who never voted had been transcribed into this poll book, and that it had been done in a very awkward way. Example: On the poll book, page 1105, from vote No. 536 to No. 543, 8 persons with names beginning with A appear to have voted consecutively, followed by 30 persons whose names begin with B, No. 544 to No. 573. This was followed by 13 persons whose names began with C, No. 574 to No. 586, inclusive. I will not stop to dwell upon the singular coincidence of such circumstance, but it is all the more remarkable when the same thing exactly is found to have occurred in all the other precincts of the city. The contestant does not rest entirely upon the remarkable circumstance or coincidence of alphabetical arrangement, but introduces evidence to prove by 16 men, whose names appear on the poll list thus arranged, that they did not vote. Of these 16 was the name of one who appeared in the middle of a group of A's, 2 whose names appeared in the middle of a group of B's, and 2 whose names appeared in the middle of a group of C's. These were well-known men with whom the judges of the election at the precinct were well acquainted and concerning whom there could have been no misapprehension. (See record, page 1116; testimony of Woodworth and Tierney, prominent Republicans.)

The contestant also proved, as shown by the record, that 6 others whose names appear as having voted were nonresidents of the district and were even nonresidents of the State. Pursuing the matter still further, the contestant proved by the Democratic registrar of the election that 32 names appear on the poll book as having voted were not on the registration list at all. This circumstance is treated by the contestee in his brief in a very light, airy manner, where he speaks of "these apparent irregularities," and states that they are "difficult to explain," and dismisses the matter by paying a compliment to the high character of the election officials at this precinct. Could anything be more conclusive of fraud than the facts thus presented from the first precinct of the Fifth Ward of Norfolk?

Let us take the second precinct of the Fifth Ward. Here 528 votes were cast and only 506 accounted for. The returns gave Young 407 and Wise 22, and in six lines of his brief (page 70) contestee gives up these 400 votes without even a compliment to the judges of the election, admitting that the returns from this precinct are too evidently rotten with fraud to be considered even by the contestee. The block system of transfers of names from the registration book to the poll book is again apparent in this return; but we need not discuss this particular precinct, as it is conceded that it should be cast aside. Among the little instances, however, worth mentioning, as showing the general character of the election in the city of Norfolk, is this: The Democratic registrar proves 26 names on the poll book not on the registration book; 9 voters, whose names are scattered through the lists on the poll book, swear that they never voted; the registrar swears there are no names like theirs on the registration book; 2 persons, as having voted, were proved to have been dead; others returned as voting are proved to have been in the Army and absent. And this overwhelming proof, regardless of the contestee's confession, shows that more than one-fourth of the returns from Norfolk for contestee are utterly unworthy of belief.

Mr. Speaker, at the request of several gentlemen about me, I will now suspend my speech and move that the House do now adjourn, reserving the right to continue my remarks when the consideration of this case is resumed.

Mr. BURKE of Texas. At what time?

Mr. WEEKS. On Saturday, I suppose.

The SPEAKER. Will the gentleman withhold his motion to adjourn, to allow the Chair to submit two messages from the President of the United States?

Mr. WEEKS. Certainly.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

H. R. 2321. An act granting an increase of pension to Horatio H. Warren;

H. R. 1806. An act for the relief of W. W. Riley;

H. R. 2637. An act granting an increase of pension to Albert Hammer; and

H. J. Res. 119. An act to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

EXPENDITURES OF AGRICULTURAL EXPERIMENTAL STATIONS.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Committee on Agriculture, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of Agriculture on the work and expenditures of the agricultural experimental stations established under the act of Congress of March 2, 1887, for the fiscal year ended June 30, 1899, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 8, 1900.*

NATIONAL CELEBRATION OF THE ESTABLISHMENT OF THE SEAT OF GOVERNMENT IN THE CITY OF WASHINGTON.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the report of the proceedings of the committee appointed in conformity with an act of Congress entitled "An act to provide for an appropriate national celebration of the establishment of the seat of government in the District of Columbia," approved February 28, 1899.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *March 7, 1900.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GAINES, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. WEEKS. If the motion to adjourn is carried, Mr. Speaker, when do I resume the argument in this case?

The SPEAKER. The gentleman will be recognized when he calls up the case.

Mr. WEEKS. I will give notice——

Mr. BARTLETT. I hope the gentleman will speak up, there is such an immense audience here now, so that we may be able to hear him.

Mr. BURKE of Texas. Mr. Speaker, judging from what the gentleman from Pennsylvania said a moment ago, my idea was that the case goes over until Saturday.

The SPEAKER. The regular order to-morrow will be the consideration of pension business, under the new rule just adopted. The Chair thinks it would be well that that be understood between the two sides, so that gentleman will not be here unnecessarily for that purpose. The gentleman reserves the balance of his time?

Mr. WEEKS. Yes, sir.

The SPEAKER. And moves that the House do now adjourn?

Mr. WEEKS. Yes, sir.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiencies in funds for printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish and Fisheries submitting an estimate of appropriation for fish hatchery stationed at St. Johnsbury, Vt.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a report of the Quartermaster-General of the Army on the claim of Henry J. Hewitt, of Missouri—to the Committee on War Claims, and ordered to be printed in part as designated.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of the examination and survey of Diamond Reef and Coenties Reef, East River, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a paper relating to the claim of Maj. J. B. Guthrie, and also a copy of the report of the Judge-Advocate-General of the Army, together with draft of a bill—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McPHERSON, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 8923) to revise and codify the laws relating to the Post-Office Department and postal service and to amend the same, and for other purposes, reported the same without amendment, accompanied by a report (No. 551); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, reported the same without amendment, accompanied by a report (No. 552); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 26) to print 25,000 copies of the report of First Assistant Postmaster-General for the year ending June 30, 1899, in lieu of H. C. Res. No. 13, accompanied by a report (No. 553); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States, reported the same without amendment, accompanied by a report (No. 554); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 159) to amend joint resolution to furnish the daily CONGRESSIONAL RECORD to members of the press, and so forth, approved February 17, 1897, reported the same without amendment, accompanied by a report (No. 555); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 25) to print 12,500 copies of the report of the Director of Geological Survey relating to Cape Nome district, in Alaska, reported the same without amendment, accompanied by a report (No. 556); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, reported the same without amendment, accompanied by a report (No. 557); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 22) to print 12,500 copies of the proceedings in connection with the receipt of the Webster statue on January 18, 1900, reported the same with amendment, accompanied by a report (No. 560); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5763) to extend the public land laws to the district of Alaska, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 1026) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, reported the same with amendment, accompanied by a report (No. 562); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KETCHAM, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 876) authorizing the Secretary of War to reconstruct the post of Fort Hamilton, N. Y., according to a new and appropriate plan, to purchase or acquire by exchange, or both, the necessary ground adjoining the Government reservation, and to erect buildings, reported the same without amendment, accompanied by a report (No. 564); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the House bill 7572, reported in lieu thereof a bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the

homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes," accompanied by a report (No. 566); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 523) for the relief of Arba N. Waterman, reported the same without amendment, accompanied by a report (No. 550); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1752) granting a pension to James J. Wheeler, reported the same without amendment, accompanied by a report (No. 558); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 548) granting a pension to Edward Harris, reported the same with amendment, accompanied by a report (No. 559); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2368) granting a pension to Mary A. Randall, reported the same without amendment, accompanied by a report (No. 563); which said bill and report were referred to the Private Calendar.

Mr. FREER, from the Committee on Patents, to which was referred the bill of the House (H. R. 638) to extend certain patents of Seth H. Smith, reported the same with amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 9279) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BINGHAM: A bill (H. R. 9280) to make applicable to the Marine Corps the provisions of the act of March 3, 1899, to reorganize and increase the efficiency of the personnel of the Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 9281) providing for an additional circuit judge in the second judicial district—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 9282) to amend section 4434 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9283) to regulate insurance in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LANHAM: A bill (H. R. 9284) to attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth—to the Committee on the Judiciary.

By Mr. CLAYTON of Alabama: A bill (H. R. 9285) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala., and for the use of the State Normal College at Troy, Ala.—to the Committee on the Public Lands.

By Mr. MARSH: A bill (H. R. 9286) authorizing the construction of a training ship for service upon the Mississippi River for the use of the naval militia—to the Committee on Naval Affairs.

By Mr. NEWLANDS: A bill (H. R. 9287) to increase the salary of the United States marshal for the district of Nevada—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 9288) to amend section 12 of the customs administrative act of 1890—to the Committee on Ways and Means.

Also, a bill (H. R. 9289) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 9290) to extend the system of public surveys to the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9291) to extend the timber and stone acts to the district of Alaska—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A bill (H. R. 9292) for the improvement of the Missouri River at and near the city of Union, Franklin County, Mo.—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A bill (H. R. 9293) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 9294) to limit placer-mining claims in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9295) to prohibit the location of mining claims by power of attorney in the district of Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 9296) to amend the homestead laws of the district of Alaska—to the Committee on the Public Lands.

Also, from the Committee on the Public Lands: A bill (H. R. 9310) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes"—to the Committee on the Public Lands.

By Mr. LITTLE: A bill (H. R. 9342) for the relief of homestead settlers, and for other purposes—to the Committee on the Public Lands.

By Mr. PIERCE of Tennessee (by request): A bill (H. R. 9343) to amend section 6, chapter 119, United States Statutes at Large, relating to Indian Territory—to the Committee on Indian Affairs.

By Mr. KLEBERG (by request): A joint resolution (H. J. Res. 197) for the relief of heirs of S. A. Belden & Co.—to the Committee on Foreign Affairs.

By Mr. SHERMAN: A joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for 1900—to the Committee on Printing.

By Mr. BINGHAM: A memorial of the general assembly of Pennsylvania, urging Federal legislation to protect free labor from injurious competition with contract labor—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A joint resolution and memorial of the general assembly of the State of Maryland, for the passage of a bill to reimburse and indemnify the mayor and aldermen of Frederick, Md.—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 9297) to remove the charge of desertion from the military record of Jonas Albert—to the Committee on Military Affairs.

Also, a bill (H. R. 9298) to remove the charge of desertion from the military record of Andrew Matheny—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 9299) to authorize the President to place the name of Archibald K. Eddowes on the retired list of the United States Navy with the rank of chief engineer, United States Navy—to the Committee on Naval Affairs.

By Mr. BURNETT: A bill (H. R. 9300) granting a pension to Hughey H. Herring, late of the United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) granting a pension to Matthew V. Ellis, of Exie, Ala.—to the Committee on Pensions.

Also, a bill (H. R. 9302) for relief of John A. Bates—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9303) granting a pension to Eliza Jane Garvin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9304) to restore pension to Sarah A. Fugett, widow of James H. Fugett, Company K, Seventh Kentucky Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 9305) for the relief of Robert H. Semple—to the Committee on Military Affairs.

Also, a bill (H. R. 9306) for the relief of G. W. Seaman late postmaster at Red Mountain, Colo.—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 9307) granting a pension to Mary A. Colhoun—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 9309) for the relief of the estate of Nicholas White, deceased, late of Washington, D. C.—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 9311) granting a pension to Harvey McClanahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9313) to correct the military record of Henry Myers—to the Committee on Military Affairs.

Also, a bill (H. R. 9314) granting a pension to Horace Wilson—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 9316) granting an increase of pension to Wesley N. Longcor—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 9317) for the relief of the estate of W. T. Collins, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 9318) granting an increase of pension to James M. Derby—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 9319) for the relief of Patrick O'Neil—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 9320) for the relief of Albert Steiner—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 9321) granting a pension to Nancy A. Killough—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9322) for the relief of Bayles E. Cobb, of Fordyce, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 9323) for the relief of the widow and heirs of the late D. G. Hineman, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. O'GRADY: A bill (H. R. 9324) to correct the military record of Leroy F. Hammond—to the Committee on Military Affairs.

Also, a bill (H. R. 9325) granting a pension to James McNabb—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9326) for the relief of Robert C. Hornsburg, of Washington County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 9327) granting an increase of pension to John W. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9328) for the relief of the Columbian Iron Works and Dry Dock Company—to the Committee on Claims.

By Mr. RAY of New York: A bill (H. R. 9329) granting a pension to Norman P. Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9330) granting a pension to Emma B. Taber—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 9331) granting an increase of pension to Helen F. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting a pension to Carrie L. Armstrong—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9333) granting an increase of pension to Henry H. Geiger—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 9334) granting an increase of pension to Reuben W. Bartram—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9335) granting a pension to Felix Lindsey—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 9336) to grant a pension to Isabella Armiger, mother of John M. Armiger, late of Company A, Eleventh Regiment Maryland Infantry Volunteers, and so forth—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 9337) for the relief of John D. Ryan, of Meridian, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9338) for the relief of the estate of William Roberts, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 9339) for the relief of Charles Davis, assignee of Augustus D. Saylor, deceased—to the Committee on Claims.

Also, a bill (H. R. 9340) granting a pension to Charles Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting a pension to Thomas Chase—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of J. J. Conger, C. W. Jardy, and other retail dealers, of Oneida, Iowa, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of the St. Louis Credit Men's Association, protesting a repeal of the bankruptcy act and recommending amendments for the better protection of creditor and debtor alike—to the Committee on the Judiciary.

Also, resolution of Colonel Lennard Post, No. 251, Grand Army of the Republic, of Missouri, and others, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. BARTLETT: Petitions of W. B. Hill, chancellor of the University of Georgia, and B. F. Holder, jr., of Forsythe, Ga., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of the Woman's Christian Temperance Union of Olathe, Colo., also of the Baptist Church of Olathe, for the passage of a bill giving prohibition to Hawaii—to the Committee on the Territories.

Also, petitions of J. B. Macarey, of Denver, Colo., adjutant First Regiment, National Guard, Colorado State Militia, and W. F. White, of Grand Junction, Colo., in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Militia.

Also, petition of the Chemical Manufacturing Company of Denver, Colo., for the improvement of Trinity River to the city Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Denver, Colo., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Christian Keck, of Del Norte; F. L. Heuschkel, of Glenwood Springs; James P. Williams, of Pueblo; H. Applegate, of Lamar; H. A. Tanner, of Fondis, and C. H. Lovelady, of Lamar, Colo., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petitions of G. A. Gibbs, of Del Norte; W. W. Taylor, of Trinidad; H. F. Morgan, of Arriola; M. R. Wedell, of Dolores, and Hugh Quinn and J. J. Pride, of Durango, State of Colorado, favoring Government distribution of vaccine—to the Committee on Agriculture.

Also, petition of Federal Labor Union No. 1, of Pueblo, Colo., against the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on the Militia.

Also, petition of Charles Denison, M. D., of Denver, Colo., favoring the passage of Senate bill No. 1440 and House bill No. 6618, relating to a department of public health; also against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, resolution of the Woman's Club of Denver, Colo., protesting against the desecration of the national flag—to the Committee on the Judiciary.

By Mr. BROSIUS: Protest of J. R. Missliner, of Mount Joy, Pa., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Welsh Post, No. 118, Grand Army of the Republic, of Columbia, Pa., in favor of House bill No. 7094, to establish a branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BULL: Petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolutions of Portsmouth Grange, No. 29, of Portsmouth, and Kingston Grange, No. 10, Kingston, R. I., Patrons of Industry, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the treaty with France—to the Committee on Foreign Affairs.

By Mr. BURNETT: Affidavit of J. A. Choate, to accompany House bill No. 7853, to remove the charge of desertion against him—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of Robert Irwin and others, of Beason, Ill., favoring the bill relating to dairy products—to the Committee on Agriculture.

By Mr. CAPRON: Resolutions of James C. Nichols Post, No. 19, Grand Army of the Republic, of Rockland, R. I., indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the New England Manufacturing Jewelers' Association, protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of West Kingston Grange, No. 10, Patrons of Husbandry, of Kingston, R. I., urging the passage of Senate bill No. 1439, relative to amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. John M. Peters, superintendent, and other officers of the Rhode Island Hospital, in favor of the bill for the employment of female nurses in the Army—to the Committee on Military Affairs.

By Mr. CONNELL: Petitions of E. F. N. Edwards and others, of Spring Brook, and John Sayers and others, of Maple Lake, Pa., in favor of the Grout bill, taxing oleomargarine—to the Committee on Agriculture.

By Mr. CRUMP: Petitions of C. H. Steiger, of Midland, and J. P. Leknot, of Bay City, Mich., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Michigan Hardware Association, of Detroit, Mich., against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. S. Killmer, C. J. Brandt, and A. H. Willis, of Standish, Mich., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. CURTIS: Petition of J. M. Bowen and others, druggists, of Atchison, Kans., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Western Pennsylvania Retail Druggists' Association, of Pittsburg, Pa., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petitions of Cortland Whitehead, bishop, of Pittsburg, Pa., and of the publisher of Amerikansko Slovenske Noviny, of Pittsburg, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of General Alex. Hays Post, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the United Presbyterian and Methodist Preachers' Meeting, of Pittsburg, Pa., against the extension of saloon slavery to our new islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. S. A. DAVENPORT: Petition of W. F. Nick and other druggists of Erie, Pa., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. DAYTON: Petition of the estate of William Corrick, deceased, late of Tucker County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Petition of E. P. McEvoy and other citizens of Osgood, Iowa, favoring the Grout bill, relating to dairy products—to the Committee on Agriculture.

Also, resolution of Company F, Fifty-second Regiment, Algona (Iowa) National Guard, Iowa State Militia, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on the Militia.

By Mr. DRIGGS: Papers to accompany House bill for the correction of the military record of George Michel—to the Committee on Military Affairs.

By Mr. EMERSON: Petitions of Henry A. Eaton and others, of Brandon, and H. McWhorter and others, of Hartford, N. Y., for legislation relating to the transportation of dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, petition of Phillips & Casey and Irving C. Foote, jr., of Fort Edward, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petitions of commander and members of Grand Army of the Republic post at Paris, Ind.; officials of Jefferson County, Ind., and statement of Harvey McClenahan, praying for the passage of a bill granting him a pension—to the Committee on Invalid Pensions.

Also, resolutions of Fouts Post, No. 272, Grand Army of the Republic, of Indiana, in support of House bill No. 7074, entitled "A bill to establish a branch Soldiers' Home at or near Johnson City, Washington County, Tenn.—to the Committee on Military Affairs.

Also, statement of the Bliss Milling Company, of Seymour, Ind., in regard to discrimination in freight rates—to the Committee on Interstate and Foreign Commerce.

Also, affidavit and official certificate to accompany House bill granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of Charles W. Deane and others, of Bridgeport, Conn., in favor of House bill No. 6634 and 6062, for the preservation of game and other birds—to the Committee on Agriculture.

By Mr. HOWELL: Petition of St. George Kempson, of Perth Amboy, N. J., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

By Mr. JACK: Petition of C. W. Ditty, S. D. Smith, and others, of Summerville, Pa., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

Also, petition of C. O. Slater and other citizens of Latrobe, Pa., to accompany House bill for the relief of James M. Derby—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 2738, for the relief of Charles W. Hoffman—to the Committee on Invalid Pensions.

By Mr. KLEBERG: Petition of W. Westhoff and other leading stock raisers of De Witt County, Tex., for the continuation of Government distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. KNOX: Papers to accompany House bill No. 9297, to remove the charge of desertion now standing against William J. Dempsey—to the Committee on Military Affairs.

By Mr. McCALL: Petition of the First Baptist Church of Medford, Mass., asking for the prohibition of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

By Mr. McCLEARY: Resolutions of the Chamber of Commerce of Duluth, Minn., Ray T. Lewis, president, in relation to the hydrographic appropriation—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of a mass meeting at Walker, Minn., Daniel De Lury, secretary, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Minneapolis Trades and Labor Council, Harry M. Cohen, secretary, protesting against a proposed modification of the postal clerks' eight-hour law—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET: Petitions of M. L. Hessing and 60 other citizens of the State of Indiana, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. PHILLIPS: Petition of Warren W. H. Lawrence, to accompany House bill No. 9100, granting him a pension—to the Committee on Invalid Pensions.

By Mr. POLK: Paper to accompany House bill No. 7612, for the relief of Randolph Hayan—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of C. L. Horton, Luther N. Davis, and other citizens of Chenango County, N. Y., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Resolution of Grand Army of the Republic Post of New Haven, Ind., J. A. Crippen, commander, favoring the establishment of a branch soldiers' home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SHATTUC: Petition of the Fire and Marine Underwriters of Cincinnati, Ohio, praying for favorable consideration of House bill No. 6247, to substitute a tax on the gross premiums of insurance companies in lieu of the stamp tax—to the Committee on Ways and Means.

By Mr. SPRAGUE: Protests of the Waverley Publishing Company; also of the Home Journal, of Boston, Mass., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New England Manufacturing Jewelers' Association, Providence, R. I., protesting against the confirmation of the treaty with France—to the Committee on Foreign Affairs.

Also, memorial of George R. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., favoring the passage of a bill to establish a branch soldiers' home in or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolution of the granite manufacturers of New England, Boston, Mass., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. James McCarthy, of Boston, Mass., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. STARK: Resolutions of Company A, First Regiment, Company H, Second Regiment, National Guard, State of Nebraska, and Company B, Second Regiment Florida State Troops, urging the passage of a bill to improve the armament of the militia—to the Committee on the Militia.

By Mr. STEWART of Wisconsin: Petition of Wisconsin Retail Lumber Dealers' Association, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Ashland, Wis., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of C. G. Wimley and Samuel Shaw, publishers,

Crandon, Wis., against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WACHTER: Paper to accompany House bill for the removal of the charge of desertion from the record of Lorenzo Dorritee, late of Company I, Third Maryland Volunteers—to the Committee on Military Affairs.

By Mr. WEEKS: Petitions of L. H. Howse, E. T. Woodruff, and M. B. Smith, of the State of Michigan, against the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of New York: Petition of E. & H. T. Anthony, of New York City, N. Y., against the passage of House bill No. 6071—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *March 9, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SOUTH SIDE OF PENNSYLVANIA AVENUE.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 14th ultimo, a report of the board of assistant assessors of the District on the approximate value of the squares on the south side of Pennsylvania avenue from Fifteenth street to the Botanical Gardens, together with the rental values of the same; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

SCHOONER MARGARETTE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the schooner *Margarette*, Crowell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1806) for the relief of W. W. Riley;

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 2637) granting an increase of pension to Albert Hammer; and

Joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the Improved Order of Red Men, of Pittsgrove, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance Union of Daretown, the Methodist Episcopal Church of Burlington, the Woman's Christian Temperance Union of the Methodist Episcopal Church of Burlington, and of the Good Citizenship League of Burlington, all in the State of New Jersey, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of the News, of Jersey City; the Union, of Jersey City; the Journal, of Orange; the Hunterdon County Democrat, of Flemington; the Sunday School Messenger, of Trenton; the Somerset Democrat, of Somerville, and the Freie Press, of Elizabeth, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of the Bulletin of the Pasteur Institute, of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 100, International Association of Machinists, of Amsterdam, N. Y., praying for the enactment of legislation to increase the salaries of machinists in the Government Printing Office at Washington, D. C.; which was referred to the Committee on Printing.

Mr. LODGE presented the petition of George Boyd, of Northampton, Mass., praying that he be relieved from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry letter carriers of Lowell, Mass., praying for the enactment of legislation to grade substitute letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 29 citizens of Massachusetts, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in canteens, Soldiers' Homes, immigrant stations, and all other Government buildings; which was referred to the Committee on Military Affairs.

He also presented a petition of the Young People's Christian Union of Boston, Mass., praying for the enactment of legislation to prohibit bookmaking of races in the District of Columbia and the Territories, and also to prohibit interstate-commerce gambling by telegraph; which was referred to the Committee on the Judiciary.

He also presented petitions of the Jefferson Manufacturing Company, of Worcester; the Iron Foundry Company, of Boston; the Cobb & Drew Company, of Plymouth, and the Magee Furnace Company, of Boston, all in the State of Massachusetts, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of railway mail clerks of Boston, Winthrop, Cambridgeport, Stoneham, and Chicopee Falls, all in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Courant, the Coming Age, the Home Journal, the Granite, the American Whist Player, the Missionary Herald, Life and Light for Women, the News, the Christian Witness, Education, the Advance, and Our Dumb Animals, all of Boston, and of William A. Pierce, of Boston; the Kindergarten Review, of Springfield; the Waverly Magazine, the Cornerstone, of Woburn; the Herald, of Warren, and the Times, of East Cambridge, all in the State of Massachusetts, and a memorial of the Humboldt Library of Science, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of Company F, First Regiment Infantry, National State Guard of Maine, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of the Farmers' Institute, of Ord, Nebr., praying for a continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Federal Labor Union, No. 7112, of South Omaha, Nebr., remonstrating against the cession of the public lands to the several States and Territories; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a memorial of the News, of Norfolk, Nebr., and a memorial of the Western Medical Review, of Lincoln, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers in support of a bill to tax Indian lands; which were referred to the Committee on Indian Affairs.

Mr. DANIEL presented a memorial of Updyke and Munsey, of Mechanicsburg, Va., and the memorial of J. L. Cole, Joe Carney, J. M. Suthard, and 26 other citizens of Virginia, remonstrating against the enactment of legislation to regulate the shipment of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Normal Index, the Ecce Homo, and the Home and School; the Observer, of Orange, and